

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills as follows:

Education: House Bill No. 99.

Highways and Motor Traffic: House Bills Nos. 95 and 98.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, November 5, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. C. R. No. 12, Instructing the Enrolling Clerk of the House to amend the caption of House Bill No. 57 to conform to the body of the bill.

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, November 5, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. C. R. No. 13, Granting Judge T. O. Davis permission to be absent from the State of Texas during the years 1935 and 1936.

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

NINTH DAY

(Wednesday, November 6, 1935)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the Speaker announced that there was not a quorum present.

Mr. Reed of Bowie moved a call of the House for the purpose of securing and maintaining a quorum, until 12:00 o'clock m., today, and the call was duly ordered.

On motion of Mr. Reed of Bowie, the Sergeant-at-Arms was instructed

to bring in all absent members within the city who are not ill.

The roll of the House was again called, and the following Members were present:

Mr. Speaker	Hartzog
Adamson	Head
Adkins	Herzik
Aikin	Hodges
Alexander	Hofheinz
Alsup	Holland
Ash	Hoskins
Atchison	Howard
Beck	Huddleston
Bergman	Hunt
Bradbury	Hunter
Bradford	Hyder
Broyles	Jackson
Burton	James
Butler of Brazos	Jefferson
Butler of Karnes	Jones of Atascosa
Cagle	Jones of Falls
Caldwell	Jones of Shelby
Calvert	Jones of Wise
Canon	Keefe
Celaya	King
Clayton	Knetsch
Collins	Lange
Colson	Lanning
Cooper	Latham
Cowley	Leath
Craddock	Lemens
Crossley	Leonard
Daniel	Lindsey
Davison of Fisher	Lotief
Davisson	Lucas
of Eastland	Luker
Dickison	Mauritz
Dunagan	McCalla
Dunlap of Hays	McConnell
Dunlap of Kleberg	McFarland
Duvall	McKee
Dwyer	McKinney
England	Moffett
Fain	Moore
Farmer	Morris
Fisher	Morrison
Ford	Morse
Fox	Newton
Frazer	Nicholson
Fuchs	Olsen
Gibson	Padgett
Glass	Palmer
Good	Patterson
Graves	Payne
Gray	Petsch
Greathouse	Pope
Hankamer	Quinn
Hanna	Reader
Hardin	Reed of Bowie
Harris of Archer	Reed of Dallas
Harris of Dallas	Riddle

Roach of Angelina	Stinson
Roach of Hunt	Stovall
Roane	Tarwater
Roark	Tennyson
Roberts	Thornton
Rogers	Tillery
Russell	Venable
Rutta	Waggoner
Scarborough	Walker
Sessions	Wells
Settle	Westfall
Shofner	Wood of Harrison
Smith	Wood of Montague
Spears	Worley
Stanfield	Young
Steward	Youngblood

Absent

Colquitt Hill

Absent—Excused

Bourne	Fitzwater
Davis	

The Speaker announced a quorum present.

Rev. George W. Coltrin, Chaplain, offered the following invocation:

"Almighty God, we thank Thee for health and strength and all the material blessings of life. Aid us, we pray Thee, to assist in building up truer moral and spiritual values, that we may all keep pace in these ways with our material progress. In Christ's name. Amen."

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence on account of important business:

Mr. Bourne for today, on motion of Mr. Mauritz.

The following member was granted leave of absence on account of illness:

Mr. Davis for today, on motion of Mr. Fuchs.

TO SUSPEND CERTAIN JOINT RULES TO CONSIDER HOUSE BILL NO. 77

Mr. Tennyson offered the following resolution:

H. C. R. No. 14, To suspend certain Joint Rules to consider House Bill No. 77.

Whereas, The House has passed to engrossment House Bill No. 77; and

Whereas, Wednesday, November 6th, is Senate bill day and only Senate bills can be considered in the respec-

tive Houses on this day; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That Joint Rules Nos. 22 and 23 of the House and Senate be suspended, and they are hereby suspended, in order to permit the House of Representatives to finally dispose of House Bill No. 77.

TENNYSON,
TARWATER,
HARRIS of Archer.

The resolution was read second time.

Question recurring on the resolution, yeas and nays were demanded.

The roll of the House was called, and the vote announced as follows:

Yeas—72

Adamson	Jones of Falls
Adkins	Jones of Wise
Aikin	Keefe
Alexander	Lanning
Ash	Latham
Beck	Lemens
Bradbury	Lotief
Bradford	Lucas
Broyles	Luker
Burton	Mauritz
Calvert	McConnell
Canon	McFarland
Craddock	Moffett
Crossley	Morrison
Daniel	Palmer
Davison of Fisher	Payne
Davisson	Petsch
of Eastland	Pope
Dunagan	Quinn
Fain	Reed of Bowie
Farmer	Roach of Angelina
Fisher	Roberts
Ford	Rogers
Fox	Rutta
Gibson	Sessions
Glass	Steward
Good	Tarwater
Graves	Tennyson
Gray	Tillery
Hardin	Waggoner
Harris of Archer	Walker
Hodges	Westfall
Holland	Wood of Harrison
Huddleston	Wood of Montague
Hunt	Worley
Hunter	Youngblood
Jones of Atascosa	

Nays—26

Bergman	Caldwell
Butler of Karnes	Dwyer

Fuchs	McCalla
Hankamer	McKee
Hanna	McKinney
Harris of Dallas	Moore
Hartzog	Morse
Hoskins	Newton
Jackson	Olsen
Jefferson	Roane
King	Stovall
Knetsch	Thornton
Lange	Young

Present—Not Voting

Herzik

Absent

Alsup	Jones of Shelby
Atchison	Leath
Butler of Brazos	Leonard
Cagle	Lindsey
Celaya	Morris
Clayton	Nicholson
Collins	Padgett
Colquitt	Patterson
Colson	Reader
Cooper	Reed of Dallas
Cowley	Riddle
Dickison	Roach of Hunt
Dunlap of Hays	Roark
Dunlap of Kleberg	Russell
Duvall	Scarborough
England	Settle
Frazer	Shofner
Greathouse	Smith
Head	Spears
Hill	Stanfield
Hofheinz	Stinson
Howard	Venable
Hyder	Wells
James	

Absent—Excused

Bourne	Fitzwater
Davis	

The Speaker announced that there was not a quorum voting.

The roll of the House was again called, on the above resolution, and the vote resulted as follows:

Yeas—87

Adamson	Butler of Brazos
Adkins	Calvert
Aikin	Canon
Alexander	Celaya
Ash	Cooper
Beck	Craddock
Bergman	Crossley
Bradbury	Daniel
Bradford	Davison of Fisher
Broyles	Davison
Burton	of Eastland

Dunagan	Morrison
Dunlap of Kleberg	Nicholson
Fain	Olsen
Farmer	Palmer
Fisher	Patterson
Ford	Payne
Fox	Petsch
Gibson	Pope
Glass	Quinn
Good	Reed of Bowie
Graves	Roach of Angelina
Gray	Roark
Hardin	Roberts
Harris of Archer	Rogers
Hodges	Rutta
Huddleston	Sessions
Hunt	Settle
Hunter	Shofner
Jones of Falls	Spears
Jones of Shelby	Steward
Jones of Wise	Stovall
Keefe	Tarwater
Lange	Tennyson
Lanning	Tillery
Latham	Venable
Lemens	Waggoner
Lotjef	Walker
Lucas	Wells
Luker	Westfall
Mauritz	Wood of Harrison
McConnell	Wood of Montague
McFarland	Worley
Moffett	Youngblood

Nays—28

Butler of Karnes	Jefferson
Caldwell	King
Clayton	Knetsch
Dickison	McCalla
Dwyer	McKee
Fuchs	McKinney
Hankamer	Moore
Hanna	Morse
Harris of Dallas	Newton
Hartzog	Reader
Holland	Reed of Dallas
Hoskins	Roane
Howard	Thornton
Jackson	Young

Absent

Alsup	Greathouse
Atchison	Head
Cagle	Herzik
Collins	Hill
Colquitt	Hofheinz
Colson	Hyder
Cowley	James
Dunlap of Hays	Jones of Atascosa
Duvall	Leath
England	Leonard
Frazer	Lindsey

Morris	Scarborough
Padgett	Smith
Riddle	Stanfield
Roach of Hunt	Stinson
Russell	

Absent—Excused

Bourne	Fitzwater
Davis	

The Speaker announced that the resolution was adopted.

(Mr. Morse in the Chair.)

ADDRESS BY SENATOR T. J. HOLBROOK AT THE RE-INTERMENT OF THE REMAINS OF SERGEANT JAMES AUSTIN SYLVESTER, FLAG BEARER AT THE BATTLE OF SAN JACINTO, AT THE STATE CEMETERY, AUSTIN, TEXAS, ON NOVEMBER 5, 1935.

On motion of Mr. Petsch, the following address was ordered printed in the Journal:

"Mr. Master of Ceremonies, and Fellow Citizens:

"Mindful of a debt of gratitude which our generation owes to one of the great pioneers of Texas, who performed an indispensable part in establishing the young Republic, we are met this afternoon to re-inter the dust of James Austin Sylvester. In fulfilling this task we are paying an obligation more than a half century overdue.

"In order to learn something of what character of man he was, and what moved him in his efforts to free Texas from the tyrannical rule of a despot, it is necessary to take in consideration his youth, as well as the conditions, the time, and the place, which made the setting for his childhood and his young manhood.

"He was born in Baltimore, Maryland, in 1807, and before reaching his maturity, moved with his parents to Newport, Kentucky. There he obtained the rudiments of a meager education, and later found employment as a printer's devil with the Cincinnati Enquirer, which profession, aside from his military career in Texas, he followed to the end of his life.

"Being on the staff of what was then the greatest newspaper in the West of that day, he became intensely interested in the Texas Revolution and the fight our people were making

for Constitutional Government; and at the first opportunity, joined them in their efforts to obtain freedom for themselves and their posterity, by establishing an independent Government fashioned after that of the United States.

"As a boy he could look to the East, across the Alleghenies, and catch something of the spirit of his forefathers, who freed America from the British rule. He saw Daniel Boone crossing this great divide, and setting up in his adopted State of Kentucky, the first advance of the thirteen colonies, which culminated on the shores of the Pacific Ocean.

"He looked to the West beyond the Mississippi, and viewed a vast stretch of natural resources, which to his youthful imagination called for the next advance. In the fullness of time this second advance was made; and the heroes at San Jacinto welded together a Union of States which stretched from the Atlantic to the Pacific; and secured for themselves and the generations which would follow them, a victory no less renowned than that which made deathless the story of Washington and his soldiers at Yorktown.

"No more engaging scene in American history can be found than that which depicts the efforts and accomplishments of those men and women around Cincinnati, Covington and Newport, in freeing Texas from the throes of a tyrant, and in constructing a second Republic on the continent of North America. It will be remembered that the people of these communities furnished the two cannons, which aided greatly the cause of our infant armies on the field of battle. It was there, on December 18, 1835, that the subject of these ceremonies, joined Captain Sidney Sherman and fifty others in forming a company for the purpose of aiding Texas in her impending struggle for independence. They left immediately for Nacogdoches, arriving there in the middle of the bleak winter of 1836.

"The proffer of aid was greatly appreciated by General Houston, and other patriotic Texans.

"The war records show that Captain Sherman's company left Nacogdoches on February 29, 1836, with Gonzales as their objective. It is evident, however, that Sylvester did not tarry in Nacogdoches after his arrival there; for on January 10, 1836,

he was commissioned by Henry Smith, the provisional Governor of Texas, with headquarters at San Felipe, as a Captain in the Reserve Army. This fact is verified by the original commission, which rests in the archives of Rosenberg Library at Galveston.

"On March 13, 1836, we next find Captain Sylvester at Gonzales, when and where the Texas Army was reorganized. Captain Sherman was named Lieutenant-Colonel of the First Regiment of volunteers, and Captain Sylvester was named Second Sergeant and Color Bearer. After the fall of the Alamo, he marched with Houston and his army from Gonzales to San Jacinto, where he lifted himself from obscurity to immortality.

"He was the proud color bearer in this sixteenth decisive battle of the world, and it is well within reason to believe that the bravery displayed by him on that occasion may have meant freedom instead of defeat to this mighty empire of the South and West. The ladies of Newport, Kentucky made the flag, and after the battle of San Jacinto, General Houston graciously gave it to Mrs. Sidney Sherman, the wife of General Sidney Sherman, who brought Sylvester to Texas, and who was in command of the left wing of Houston's army at the battle of San Jacinto. On August 8, 1896, the daughters of General and Mrs. Sidney Sherman, through the Daughters of the Republic, presented it to the State of Texas.

"Properly protected and framed, it now reposes in the State Capitol on the wall behind the Speaker's stand in the House of Representatives.

"Conceived in a spirit of liberty, and wrought out by the hands of these women of Kentucky, it had depicted upon its sacred folds the likeness of a stalwart maiden standing in a wilderness, with her right hand slightly declining to her side and her left raised high with a sword supporting a scroll, upon which is lettered the words 'Liberty or Death.' These are the words which caused Patrick Henry to fire the hopes of the Colonists in an earlier day, and which eventuated in the birth of our common country. As long as freedom endures, and patriotism survives, this flag, coupled with that of the Lone Star, will emblemize the hopes and aspirations of the founders of the Republic and the State. It is my hope that at no distant date some

fitting memorial may be erected on this hallowed hill, alongside that of Johanna Troutman, so as to fittingly memorialize the work of these citizens of Kentucky, who constructed it and brought it here in defense of the principles for which our pioneer citizens so nobly strived.

"On the next day after the memorable battle, Sylvester, while scouting near Vines Bridge in search of deer, saw a man lying in some tall grass. Upon approaching him, he found that the man was reluctant to move. He did finally arise and accompanied Sylvester and his companions to camp. Along the way some of the Mexican prisoners recognized this man and hailed him as 'El Presidente!' He was indeed Antonio Lopez de Santa Anna, President of Mexico and Commander of the enemy army.

"Sylvester thus, single handed and alone, captured the chief offender, and aided largely in gaining the freedom of Texas.

"After the actual scenes of this occasion had closed forever, in an humble way, he returned to Nacogdoches, and on June 18, 1836 received an honorable discharge from the army, at the age of twenty-nine years. On August 3, 1836, General Houston presented him with a written tribute of regard for his valiant conduct in line of battle, and for his capture of Santa Anna, the self-styled Napoleon of the West, and with it the thanks of Santa Anna for his generous conduct towards him.

"This quiet, unostentatious man, followed his trade as a printer in Texas for seven years after the war drums had been silenced. He then removed to New Orleans, where he worked as a printer on the New Orleans Piccayune, until he died on April 9, 1882. He never boasted of his feats, either in war or in peace; but did on one occasion take note of an error made at Austin, Texas, in a speech by General J. B. Robinson, in which he (Robinson) claimed to be the captor of Santa Anna. This he completely refuted by history and facts which are beyond controversy. In that communication he tenderly referred to General Sidney Sherman as 'My old and honored Commander and friend.'

"The fine spirit which moved him to show respect for his superiors was the guiding compass of his life. He was not selfish, and wanted no favors

bestowed upon him which could not be shared by others. In his fight for freedom, territorial triumph was not the cause that fired his soul. Unlike a Hannibal or a Bonaparte, he craved no vengeance against a helpless adversary, no flair for personal ambition, nor greed for gold. His was more the nature of Miltiades at Marathon, Wellington at Waterloo, or Washington at Yorktown. In espousing the cause of Texans, he merely wanted to lift the yoke of tyranny from the backs of free men.

"Unlike some of our meteoric careers that have gleamed and flashed across the pages of history, his was a quiet and wholly unselfish life. So reserved was he, that the forty years spent in New Orleans after he left Texas, was almost blank to his associates here. He seldom wrote letters, and chose to run along quietly in the work of his chosen profession. This perhaps, is one of the reasons why he has not received recognition as one of our foremost benefactors. That he is by every fact in history entitled to this distinction, there can be no doubt.

"It was given him to set a new flag which brought victory to those who supported him in arms, and which eventually added to our common country one third of its present territorial boundaries. In this, the United States, as well as Texas, owe him a debt of gratitude which never will be paid in full. It will some day be made clear, as it has not yet been done, that this band of Kentuckians who came with Sherman and Sylvester to succor Houston's army in time of need, composed the needed group which won our independence, and to whose names we should give praise forever, and forevermore.

"In contemplating the work Sergeant Sylvester did in this, one of the world's decisive battles, I am reminded that Color Bearers and their emblems have formed important part both in victory and defeat since wars began. At Actium and Salamis, as at Thermopylae and the Alamo, they gave zest and force to contending armies and the inspiration generated by them on the field of battle has been evident from the day on which Joshua commanded the Sun to stand still on the plains of Gideon, to the conquest of Adeuawa by an Italian conqueror. Who can say but for the brave acts of Sylvester at San Jacinto, Texas

would not have been free. It is certain that the flag carried by him, in all probability, was the source of inspiration which carried Houston's men to victory, and for this his name and his fame should be honored and accelerated by Texans from generation to generation.

"Captain Sylvester was never married, and never knew the loving care of wife or child. He did until the end, however, cherish an abiding affection for this glorious Lone Star State, which was the offspring of his youthful valor. In his young manhood he forsook all to make us free, and we honor ourselves on this occasion by bringing his dust here where it may find rest among kindred spirits.

"Hard by this tomb repose the earthly remains of our great and mighty dead, who followed his flag in a relentless drive for victory. What a galaxy of immortals there were to greet him:

"On fame's eternal camping ground,
Where silent tents are spread;
While glory guards with solemn
round
The bivouac of the dead."

"On the green slopes of this State Valhalla, we have deposited here the earthly ashes, of Stephen F. Austin and Guy Bryan, of General Harde-man and Judge Hemphill, and a host of others of equal renown, who knew and loved him in his young manhood. If their spirits could now arise from this material clay, I doubt not but that of Sylvester would find a choice place in the depths of their affections.

"It is not given us to know what the Great Spirit that stands back of all truth did with his soul, when it left the frail casket which bound it here. We can only hope that it found a better home, and that this universal desire for another and better life was not planted through tantalizing caprice. It must be so, for the earth, the heavens and the sea proclaim as much. All nature reveals another springtime; and through this phenomena we can well believe, the soul of man, which is king over all, is indestructible. For if this hope of another life beyond the grave is a vain dream, and the spirit of man is annihilated by death like the flame of a candle blown out, then life itself is a tragedy so full of disap-

pointments that he who dreads to die should fear to live.

"And now, after fifty-two years of peaceful sleep at Odd Fellow's Rest in New Orleans, we shall place here in this sepulcher the mortal remains of James Austin Sylvester—hero number one of the battle of San Jacinto; with the hope that citizens of Texas of this and future generations, may look upon this modest tomb with approval; and with the assurance that, long after the elements of time and chance shall have devoured the modest monument which the State will place about his grave, the influence for good which he planted in this world, will increase in ever widening circles—that he will still live, remembered because of his deathless deeds."

By: T. J. HOLBROOK.

"General Edward Burleson and James Austin Sylvester fought together under General Sam Houston at San Jacinto. General Burleson donated the present State Cemetery to the State of Texas. His remains were the first to have been deposited in this cemetery. Yesterday his comrade-in-arms, James Austin Sylvester, joined him in this last resting place."

By: H. R. STOVALL

BILL ORDERED PRINTED IN MIMEOGRAPH FORM

Mr. Roark moved that House Bill No. 95, be printed in mimeograph form and not otherwise printed.

Question recurring on the motion of Mr. Roark, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—84

Adamson	Dwyer
Adkins	Fain
Aikin	Farmer
Alexander	Fisher
Alsup	Fox
Ash	Fuchs
Beck	Gibson
Bergman	Glass
Bradbury	Good
Bradford	Graves
Broyles	Gray
Butler of Karnes	Hanna
Canon	Hardin
Craddock	Harris of Archer
Crossley	Herzik
Davison of Fisher	Hodges
Dickison	Howard
Dunlap of Kleberg	Huddleston

Hunt	Payne
Jones of Atascosa	Pope
Jones of Shelby	Quinn
Jones of Wise	Reader
Keefe	Reed of Bowie
King	Roane
Knetsch	Roark
Lange	Roberts
Lanning	Rogers
Latham	Russell
Lotief	Rutta
Lucas	Sessions
Luker	Stovall
Mauritz	Tarwater
McConnell	Tennyson
McFarland	Tillery
McKee	Venable
McKinney	Walker
Moffett	Wells
Morrison	Westfall
Newton	Wood of Harrison
Nicholson	Wood of Montague
Olsen	Worley
Palmer	Youngblood

Nays—25

Burton	Hunter
Butler of Brazos	Jackson
Caldwell	Jefferson
Celaya	Jones of Falls
Clayton	McCalla
Cooper	Moore
Daniel	Patterson
Davisson	Reed of Dallas
of Eastland	Roach of Angelina
Dunagan	Steward
Harris of Dallas	Thornton
Hartzog	Waggoner
Hoskins	Young

Present—Not Voting

Settle

Absent

Atchison	Hyder
Cagle	James
Calvert	Leath
Collins	Lemens
Colquitt	Leonard
Colson	Lindsey
Cowley	Morris
Dunlap of Hays	Morse
Duvall	Padgett
England	Petsch
Ford	Riddle
Frazer	Roach of Hunt
Greathouse	Scarborough
Hankamer	Shofner
Head	Smith
Hill	Spears
Hofheinz	Stanfield
Holland	Stinson

Absent—Excused

Bourne Fitzwater
Davis

RELATIVE TO RESOLUTION PERIOD

Mr. Dunagan moved that the House dispense with the consideration of resolutions at this time.

The motion was lost.

TO GRANT MRS. FANNIE WILLIAMS PERMISSION TO SUE THE STATE

Mr. Stovall offered the following resolution:

H. C. R. No. 15, Granting Mrs. Fannie Williams permission to sue the State of Texas.

Whereas, On or about the — day of —, 1926, the State Highway Commission constructed Highway No. 6 across the northeast corner of lot 28-A, Hillcrest Addition, City of Waxahachie, Ellis County, State of Texas, which property was then and there in the name of T. H. Harbin, to whom the said Mrs. Fannie Williams had conveyed said property on which she had retained the vendor's lien for the purchase money, and that said purchaser failed to pay for said property and the same came back to the vendor with said highway so built across said property that was then taken and is now being used by the State of Texas as part of Highway No. 6; and

Whereas, The said Mrs. Fannie Williams has never been reimbursed by the State of Texas for the value of the land so taken; now, therefore be it

Resolved by the House of Representatives, the Senate concurring, That the said Mrs. Fannie Williams be hereby granted the permission to bring suit against the State of Texas to recover her damage, in any court of competent jurisdiction in Ellis County, Texas, and that service of process shall be had upon the Attorney General of the State of Texas with the same force and effect as in other civil cases and that said cause of action shall not become barred by limitation until two years from the date of this Act; be it further

Resolved, That the Attorney General of the State of Texas be, and is hereby, authorized to compromise or otherwise settle any suit brought

as a result of this resolution, if, in the opinion of the Attorney General, the said Mrs. Fannie Williams is entitled to reimbursement and/or compensation by the State of Texas, and that the Comptroller be, and is hereby, authorized and instructed to settle same in compliance therewith, and charge same against the proper fund.

The resolution was read second time, and was referred to the Committee on State Affairs.

INVITING GOVERNORS AND CITIZENS OF CERTAIN STATES TO VISIT TEXAS

Mr. Bradbury offered the following resolution:

H. C. R. No. 16, Inviting the Governors and citizens of New Mexico, Arizona, California, Nevada, Utah, Wyoming, Colorado, Kansas and Oklahoma to participate in the Texas 1936 Centennial Celebration and erect buildings at Centennial centers and place exhibits therein.

Whereas, The State of Texas in 1936 will celebrate the One Hundredth Anniversary of its Independence; and

Whereas, At the time Texas won her Independence, all the territory of Texas, New Mexico, Arizona, California, Nevada, Utah, and a part of the territory of Wyoming, Colorado, Kansas and Oklahoma, were claimed by Mexico; and

Whereas, The victory at San Jacinto directly won for the American Union the State of Texas, and indirectly aided in winning for the Union the territory of the foregoing named states; now, therefore, be it

Resolved by the House of Representatives of the Forty-fourth Legislature in its Second Called Session, the Senate concurring, That an invitation be sent to each of the Governors of the foregoing named states inviting the said Governors and the citizens of said states to visit our State in 1936; and participate in our celebration and if they desire to do so that they be invited to erect buildings at the Centennial centers and place such exhibits therein as they deem proper.

BRADBURY,
HUNTER,
BURTON.

The resolution was read second time, and was adopted.

PROVIDING COMPENSATION
FOR CERTAIN STATE'S
AGENT

The Chair laid before the House for consideration at this time, the following resolution:

S. C. R. No. 8, Providing compensation for certain State's agent.

Whereas, As shown on page 484 of the printed General Laws of the Third Called Session of the Forty-first Legislature, and also on page 637 of the printed General Laws of the Regular Session of the Forty-second Legislature there were appropriated as the State's part of the salary for the Agent and Farm Supervisor of Alabama and Coushatti Indian Reservation, the sum of \$1500.00 per year, and in each of said appropriations it was further provided that, "One-half salary to be paid by Federal Government"; and

Whereas, Until recently the Federal Government has never made any appropriations or grants for these Indians except for some of the improvements and equipment on the Reservation and to supplement the State school apportionment aid, and has never appropriated or paid any salary to the Agent which the above mentioned Legislatures expected would be paid to said Agent; and

Whereas, Beginning nineteen months ago the Federal Government granted and established an Emergency Works Project on the Reservation, known as an "I. E. C. W. Project," on which said Indians only could and have been employed, and said project has been of great benefit to these Indians, many of whom were in destitute condition; and the State's Indian Agent has had entire charge and supervision of said project and his duties and labors have been practically doubled. During these nineteen months the State appropriations have provided a salary of \$1200.00 for the Indian Agent, but omitted the former provision contained in the first above mentioned appropriation Acts providing that the Federal Government could pay him for services performed for the Federal Government, and the said Agent has been performing all of these services for the past nineteen months for only the State fixed salary of \$1200.00 per year, although the Federal Government has been willing to pay him \$60.00 per month, and is willing here-

after to pay said amount; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That it was the intention of the Legislature to permit the Agent to receive compensation from the Federal Government in the event he rendered services for the Federal Government, and further that the State Comptroller and the Federal Government are hereby authorized to consider said State appropriation as the State's part of said Agent's salary for rendering State services, and that the Federal Government may pay him for any services rendered for the Federal Government.

The resolution was read second time.

On motion of Mr. Bergman, the resolution was referred to the Committee on Appropriations.

RELATIVE TO DISCONTINUING
SERVICES OF CERTAIN
COMMITTEE

Mr. Lotief offered the following resolution:

Whereas, There was passed at the First Called Session of the Forty-fourth Legislature House Simple Resolution No. 35, authorizing the payment of future expenses of an oil investigating committee appointed under House Simple Resolution No. 126, passed at the Regular Session of the Forty-fourth Legislature; and

Whereas, It is now deemed unnecessary that this committee continue its investigation; and

Whereas, The financial condition of the State does not warrant the payment of these expenses; now, therefore, be it

Resolved by the House of Representatives, That said committee heretofore appointed be instructed to discontinue its work and the appropriation made under House Simple Resolution No. 35 be cancelled.

The resolution was read second time.

Mr. Alexander moved to table the resolution.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—66

Adamson
Aikin

Alexander
Alsup

Bradford	Jones of Atascosa
Burton	King
Butler of Karnes	Knetsch
Caldwell	Latham
Canon	Lindsey
Celaya	Lucas
Clayton	Mauritz
Colson	McCalla
Cooper	McFarland
Crossley	McKee
Dunagan	McKinney
Dunlap of Hays	Moore
Dunlap of Kleberg	Nicholson
Duvall	Olsen
Dwyer	Padgett
Fisher	Patterson
Ford	Reed of Dallas
Gibson	Roach of Angelina
Good	Roane
Graves	Roark
Gray	Russell
Hankamer	Sessions
Harris of Dallas	Settle
Hartzog	Smith
Hodges	Steward
Hoskins	Stinson
Howard	Thornton
Hunter	Waggoner
Hyder	Walker
James	Wells
Jefferson	Young

Nays—45

Beck	Jones of Wise
Bradbury	Keefe
Broyles	Lanning
Cowley	Lotief
Craddock	Luker
Daniel	McConnell
Davison of Fisher	Moffett
Davison	Morrison
of Eastland	Palmer
England	Pope
Fain	Quinn
Farmer	Reader
Fox	Reed of Bowie
Fuchs	Roach of Hunt
Glass	Rutta
Hanna	Shofner
Hardin	Stovall
Herzik	Tillery
Hofheinz	Venable
Huddleston	Westfall
Hunt	Wood of Harrison
Jackson	Wood of Montague
Jones of Shelby	Youngblood

Absent

Adkins	Butler of Brazos
Ash	Cagle
Atchison	Calvert
Bergman	Collins

Colquitt	Morse
Dickison	Newton
Frazer	Payne
Greathouse	Petsch
Harris of Archer	Riddle
Head	Roberts
Hill	Rogers
Holland	Scarborough
Jones of Falls	Spears
Lange	Stanfield
Leath	Tarwater
Lemens	Tennyson
Leonard	Worley
Morris	

Absent—Excused

Bourne	Fitzwater
Davis	

MESSAGE FROM THE SENATE

Austin, Texas, November 6, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has adopted the following:

H. C. R. No. 14, Suspending Joint Rules No. 22 and No. 23 of the House and Senate to permit the House of Representatives to finally dispose of House Bill No. 77.

Respectfully,

BOB BARKER,

Secretary of the Senate.

SENATE BILL NO. 15 ON SECOND READING

The chair laid before the House, on its second reading and passage to third reading,

S. B. No. 15, A bill to be entitled "An Act defining certain terms; providing for licensing of operators and chauffeurs; providing for certain exemptions; prohibiting issuance of licenses to certain persons; providing for instruction permits; making provision for non-resident drivers; providing what persons shall be licensed; providing for application for operator's and chauffeur's license; providing for signing of application of minors; providing for examination of applicants; and declaring an emergency."

The bill was read second time.

(Pending consideration of Senate Bill No. 15, Mr. Smith occupied the chair temporarily.)

(Speaker in the chair.)

Question—Shall Senate Bill No. 15 pass to third reading?

HOUSE BILL NO. 77 ON THIRD READING

The Speaker laid before the House, in accordance with House Concurrent Resolution No. 14, on its third reading and final passage,

H. B. No. 77, A bill to be entitled "An Act defining the term 'open saloon'; creating a Board of Liquor Control; prescribing rules and regulations, and regulating the manufacture, sale, importation, transportation, and possession of alcoholic liquors; providing for the right of local option; etc., and declaring an emergency."

The bill was read third time.

Mr. Farmer offered the following amendment to the bill:

Amend House Bill No. 77 as follows: In Section 24, page 27, line 7, by inserting after the word "Liquor" the following: "Said stamps shall be sold by the State Treasurer and he is hereby authorized to promulgate such rules and regulations, and employ such personnel as may be necessary to collect the stamp tax as assessed and levied by this Act."

FARMER,
ALSUP,
REED of Bowie,
BECK.

The amendment was adopted.

Mr. Farmer offered the following amendment to the bill:

Amend House Bill No. 77, on page 28, by adding a new Section to be numbered 24a to read as follows:

"Section 24a. Receipts derived from the sale of stamps provided for in this Act shall be deposited in the State Treasury to the credit of the Old Age Assistance Fund.

"Provided further, that receipts derived from the sale of permits provided for in this Act shall be deposited in the State Treasury as follows (unless otherwise provided in this Act): One-fourth ($\frac{1}{4}$) to the credit of the Available School Fund and three-fourths ($\frac{3}{4}$) to the credit of the Old Age Assistance Fund."

FARMER,
ALSUP,
REED of Bowie,
BECK,
GREATHOUSE,
LEMENS,
JAMES,
AIKIN.

Question recurring on the amendment by Mr. Farmer, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—105

Adkins	Jones of Falls
Aikin	Jones of Shelby
Alsup	Keefe
Ash	King
Atchison	Knetsch
Beck	Lanning
Bergman	Latham
Bradbury	Leath
Bradford	Lemens
Broyles	Leonard
Burton	Lindsey
Butler of Brazos	Lotief
Butler of Karnes	Lucas
Cagle	Luker
Caldwell	McCalla
Canon	McConnell
Collins	McFarland
Cooper	McKee
Cowley	McKinney
Crossley	Moffett
Davisson	Moore
of Eastland	Morris
Dickison	Morrison
Dunlap of Hays	Newton
Dunlap of Kleberg	Payne
Duvall	Petsch
Dwyer	Quinn
England	Reader
Fain	Reed of Bowie
Farmer	Riddle
Fisher	Roach of Angelina
Ford	Roach of Hunt
Fox	Roberts
Frazer	Rogers
Gibson	Rutta
Glass	Sessions
Gray	Settle
Greathouse	Shofner
Hardin	Smith
Harris of Archer	Steward
Hartzog	Stinson
Head	Tarwater
Herzik	Tennyson
Hodges	Thornton
Hofheinz	Tillery
Holland	Venable
Hoskins	Wells
Huddleston	Westfall
Hunt	Wood of Harrison
Hunter	Wood of Montague
Hyder	Worley
James	Young
Jefferson	Youngblood

Nays—28

Adamson	Celaya
Alexander	Clayton

Craddock	Morse
Daniel	Nicholson
Davison of Fisher	Padgett
Fuchs	Palmer
Good	Patterson
Graves	Reed of Dallas
Hankamer	Roane
Hanna	Roark
Harris of Dallas	Russell
Howard	Stovall
Jackson	Waggoner
Jones of Wise	Walker

Absent

Calvert	Mauritz
Colquitt	Olsen
Colson	Pope
Dunagan	Scarborough
Hill	Spears
Jones of Atascosa	Stanfield
Lange	

Absent—Excused

Bourne	Fitzwater
Davis	

Mr. Reader offered the following amendment to the bill:

Amend House Bill No. 77, Section 18, page 17, line 12 as follows: Between the word "to" and the word "alcohol", insert the word "ethyl";

Line 14, as follows: Between the words "use" and "alcohol", insert the word "ethyl";

Line 28, as follows: Between the words "use" and "alcohol", insert the word "ethyl";

At the end of line 31, after the word "of", add "methyl alcohol, or".

The amendment was adopted.

Mr. Wood of Harrison offered the following amendments to the bill:

Amend House Bill No. 77, page 21, by changing the period after the word "time" in line 28 to a semi-colon and add the following:

"Provided, however, it shall be unlawful for such physician to prescribe to the same person more than one pint in any one day or more than five pints in any one month."

WOOD of Harrison
WOOD of Montague.

Amend House Bill No. 77, page 21, by changing the word "quart" in line 28 to the word "pint."

WOOD of Harrison
WOOD of Montague.

The amendments were severally adopted.

Mr. Thornton offered the following amendment to the bill:

Amend House Bill No. 77, by adding a new Section, to be known as Section 18s, to read as follows:

"Section 18s: Nothing in this Act shall be construed as limiting the right of any minister, priest or rabbi, or religious organization from obtaining sacramental wine for sacramental purposes only, directly from any source whatsoever, whether from within the limits of the State of Texas or from outside the State; nor shall any fee or tax be charged, directly or indirectly, for the exercise of this right. The Board shall have the power and authority to make rules and regulations concerning the importing of any such wine, for the purpose of preventing any unlawful use of such right."

THORNTON,
MOFFETT,
PETSCH.

The amendment was adopted.

Mr. Thornton offered the following amendment to the bill:

Amend House Bill No. 77 paragraph "d", Section 24, line 32, by striking out the words and figures "twenty (20c) cents" and substituting in lieu thereof "five (5c) cents."

Mr. Lanning offered the following substitute for the amendment by Mr. Thornton:

Amend House Bill No. 77, by striking out Subsections c and d, and insert the following:

"(b) A tax of five (5) cents on each gallon of still wine that does not contain over fourteen (14) per cent of alcohol by volume sold or offered for sale in this State.

"(c) A tax of ten (10) cents on each gallon of still wine containing more than fourteen (14) per cent and not over twenty-four (24) per cent of alcohol by volume, sold or offered for sale in this State."

The substitute amendment was adopted.

The amendment by Mr. Thornton, as substituted, was then adopted.

Question—Shall House Bill No. 77 be passed?

BILL SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled bill:

H. B. No. 71, "An Act authorizing school trustees in all counties of this State, having a population of not less than two hundred ninety thousand (290,000) or more than three hundred twenty thousand (320,000) inhabitants according to the last preceding Federal Census to issue interest bearing warrants in payment of salaries of employees; specifying that the rate of interest shall not exceed four per cent (4%) per annum; limiting the amount of warrants to be issued; etc., and declaring an emergency."

MESSAGE FROM THE SENATE

Austin, Texas, November 6, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has adopted the following:

H. C. R. No. 7, Granting A. F. Gaston permission to sue the State.

H. C. R. No. 8, Granting S. A. Castlebury permission to sue the State.

Respectfully,

BOB BARKER,
Secretary of the Senate.

OUT OF RESPECT TO THE MEMORY OF WILL ROGERS

(In Joint Session)

In accordance with the provisions of S. C. R. No. 7, Providing for a Joint Session of the House and Senate to commemorate the birth of Will Rogers and to pay tribute to his memory, the Hon. Senators, escorted by Hon. Bob Barker, at 11:45 o'clock a. m., were announced at the bar of the House, and being admitted were escorted to seats.

Lieutenant Governor Walter F. Woodul was escorted to a seat on the Speaker's stand.

Speaker Stevenson called the House of Representatives to order and stated that the two Houses were in Joint Session for the purpose of commemorating the birth of Hon. Will Rogers and to pay tribute to his memory.

Lieutenant Governor Walter F. Woodul called the Senate to order.

Speaker Stevenson presented Senator Davis who presided during the ceremony.

Rev. George W. Coltrin, Chaplain, offered the invocation.

Senator Roy Sanderford, Hon. J. Manley Head, and Hon. Fred Harris, accompanied by Hon. Lon Alsup, led the Joint Session in singing "Home on the Range". Senator Davis then presented Hon. Bob Alexander, of Childress County, who addressed the Joint Session, paying tribute to the late Will Rogers, and introduced Senator T. J. Holbrook of Galveston County, who also addressed the Joint Session, paying tribute to Will Rogers.

Mr. McFarland offered the following resolution:

Whereas, America has lost her greatest humorist since Mark Twain; and

Whereas, Will Rogers stood for everything that was right and never for anything that was wrong and we who are left behind are inspired by his worthy career; and

Whereas, He gave gloriously of every moment, enriching our lives with the treasures of his accomplishments, and he brought happiness and the cleansing influence of his good humor to millions, and no eulogy from the people of Texas could express the loss his death means to them; now, therefore, be it

Resolved by the members of the Forty-fourth Texas Legislature, assembled in joint session on this sixth day of November, 1935, at 11:45 a. m., to pay our tribute of love and respect in memory of Will Rogers' Natal Day, That we do hereby make voluntary contributions to be sent by the Texas Legislature to the "National Will Rogers' Memorial Fund" as a testimonial of our sincere appreciation of this outstanding American; and be it further

Resolved, That the Chief Clerk of the House be authorized to accept the individual contributions and to forward the said funds in the name of the Forty-fourth Texas Legislature to the "National Will Rogers' Memorial Fund," together with an enrolled copy of this resolution.

The resolution was unanimously adopted.

Senator Davis then requested those present to rise and sing, "The Last Round Up."

At the conclusion of the song, the members of the House and Senate, remained standing and faced West for one minute, out of respect to the memory of Will Rogers.

RECESS

On motion of Mr. Harris of Dallas, the House at 12:15 o'clock p. m., took recess to 2:00 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

MESSAGE FROM THE SENATE

Austin, Texas, November 6, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

H. B. No. 67, A bill to be entitled "An Act authorizing the condemnation of certain private land or lands for the restoration, preservation or marking of historic spots in Texas by the Commission of Control for the Texas Centennial Celebrations; prescribing the procedure therefor; providing that such proceedings shall be brought in the name of the State of Texas by the Attorney General of Texas, and declaring an emergency."

H. B. No. 68, A bill to be entitled "An Act creating a special road law for Red River County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of October 23, 1935, by issuance of funding bonds, and setting forth the method of operation; etc., and declaring an emergency."

(With amendment.)

H. B. No. 93, A bill to be entitled "An Act creating a special road law for Childress County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of September 14, 1935, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the commissioners court of said county and officers thereof, in respect to the funding or refunding of said indebted-

ness; etc., and declaring an emergency."

H. B. No. 72, A bill to be entitled "An Act authorizing the commissioners court in any county having a population of not less than 24,200 and not more than 24,500, according to the last preceding Federal Census, to allow each county commissioner certain expenses for traveling in connection with official business; providing the funds, and declaring an emergency."

(With amendment.)

H. B. No. 69, A bill to be entitled "An Act validating and approving all acts and proceedings of county commissioners courts and the county judge in the matter of the creation and incorporation of wind erosion conservation districts in their said counties, and declaring an emergency."

H. B. No. 98, A bill to be entitled "An Act creating a special road law for Robertson County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of August 12, 1935, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; etc., and declaring an emergency."

S. B. No. 21, A bill to be entitled "An Act amending Article 2031, Revised Civil Statutes of 1925, and providing means and method of securing service of process on foreign corporations; and declaring an emergency."

Respectfully,

BOB BARKER.

Secretary of the Senate.

SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee as follows:

S. B. No. 21, to the Committee on Judiciary.

HOUSE BILL NO. 72 WITH SENATE AMENDMENTS

Mr. Lindsey called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 72, A bill to be entitled "An Act authorizing the commission-

ers court in any county having a population of not less than 24,200 and not more than 24,500, according to the last preceding Federal Census, to allow each county commissioner certain expenses for traveling in connection with official business; providing the funds, and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. Lindsey moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the House and Senate on the bill.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following Conference Committee: Messrs. Lindsey, Palmer, Smith, Sessions and Jones of Wise.

HOUSE BILL NO. 77 ON FINAL PASSAGE

The House resumed consideration of pending business, same being House Bill No. 77, relative to the manufacture and sale of alcoholic liquors, on its final passage.

The bill having been read third time on this morning.

Mr. Thornton offered the following amendments to the bill:

Amend paragraph "g," Section 18, House Bill No. 77, by adding the following at line 25, after the letters and figures "Five Hundred (\$500.00) Dollars"; at the end of the paragraph fixing license fees:

"Provided that the annual license fee for package store permit to sell wines only shall be: in cities and towns having a population of two thousand (2,000) inhabitants or less, according to the last preceding Federal Census, the fee shall be Ten (\$10.00) Dollars; in cities and towns having a population of more than two thousand (2,000) and less than five thousand (5,000) inhabitants, according to the last preceding Federal Census, the fee shall be Fifteen (\$15.00) Dollars; in cities and towns having a population of more than five thousand (5,000) and less than ten thousand (10,000) inhabitants, according to the last preceding Federal Census, the fee shall be Twenty (\$20.00) Dollars; in cities and towns having a

population of more than ten thousand (10,000) inhabitants, according to the last preceding Federal Census, the fee shall be Twenty-five (\$25.00) Dollars. The fee for a package store permit outside the limits of an incorporated city or town shall be Ten (\$10.00) Dollars."

THORNTON,
PETSCH.

Amend paragraph "g," Section 18, House Bill No. 77, by adding the following after the last word on the first line of page 16:

"Provided that in the case of wines it shall be lawful for the holder of a package store permit to sell the same not for consumption on, at or near the premises where sold in quantities of fifty-two (52) gallons, or less, per sale, and for that purpose may break or open any package, receptacle or container and transfer said wine to another receptacle, package or container of the same or different size. Provided further, that the vendor in all such cases shall affix to the receiving receptacle, package or container, a stamp to be issued by the board stating that the contents had been withdrawn from a tax-paid container."

THORNTON,
PETSCH.

The amendments were severally adopted.

Mr. Aikin offered the following amendment to the bill:

Amend House Bill No. 77, page 17, line 19, by adding after the word "products" the words "and condiments."

AIKIN,
BRADBURY.

The amendment was adopted.

Mr. Reed of Dallas offered the following amendment to the bill:

Amend House Bill No. 77, Section 13, page 9, to read as follows:

"Every applicant for a brewer's, distiller's, winery's, rectifier's, wholesaler's, beer and wine wholesaler's, package store permit under this Act shall give notice of such application by publication for two consecutive days per week for two consecutive weeks in the newspapers published in the city or town in the county in which applicant's place of business is located; or, if such applicant's place of business is not located in a city

or town where a daily newspaper or in which newspapers qualified to receive such notice are published, then such notice may appear in any newspaper in the county, in which case, if it be a weekly newspaper, the publication shall be for once a week for two consecutive weeks. In those counties in which no qualified newspapers are published, the notice shall be published in qualified newspapers published in the closest neighborhood.

"Qualified newspapers shall be defined as newspapers of general circulation, having a paid circulation of not less than ten per cent of the total population according to the last preceding Federal Census of the city or town in which they are published or circulated. Such publication shall constitute notice to all parties desiring to protest the granting of such permit upon any of the grounds upon which the board may refuse to grant an application for a permit, which grounds of objection set out in connection with and as a part of Section 14, from A to J, inclusive, shall be contained in said published notice. Each of such notices shall be published in no less than 18 point type and shall occupy space of not less than 400 agate lines. The Commissioner may require of each applicant for a permit the recommendation in writing of the county judge of the county of his residence and he shall take such recommendation into consideration before granting or refusing such license. The Board shall have authority to issue temporary permits for periods not exceeding ninety (90) days immediately following the passage of this Act, but not thereafter."

REED of Dallas,
MOFFETT,
COOPER.

The amendment was adopted.

Mr. Walker offered the following amendment to the bill:

Amend House Bill No. 77, by adding a new Section 6a, to read as follows:

"Section 6a. 'Public Place' includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance-halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this Act, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining

rooms of hotels, restaurants, theatres, stores, garages and filling stations which are open to and are generally used by the public, and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public; and except as permitted by this Act, no person shall open the package containing liquor or consume liquor in a public place. Every person who violates any provision of this Section shall be guilty of a misdemeanor, and on conviction therefor shall be fined not more than Ten (\$10.00) Dollars."

Mr. Roane offered the following amendment to the amendment by Mr. Walker:

Amend the Walker amendment by adding the following:

"Provided, however, that this applies only to dry counties or dry territories."

ROANE,
FUCHS.

Mr. Butler of Brazos raised a point of order, on further consideration of the amendment by Mr. Roane, on the ground that the amendment is discriminatory.

The Speaker sustained the point of order.

Mr. Keefe moved the previous question on the passage of House Bill No. 77, and the motion was not seconded.

Question recurring on the amendment by Mr. Walker, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—47

Adkins	Farmer
Aikin	Fisher
Alsup	Gibson
Bradford	Hardin
Broyles	Harris of Archer
Cagle	Huddleston
Craddock	Hunt
Dunlap of Hays	Hunter
England	Keefe
Fain	King

Lanning	Sessions
Latham	Stovall
Lindsey	Tarwater
Lucas	Tennyson
Luker	Tillery
McConnell	Venable
McFarland	Walker
Morris	Wells
Olsen	Westfall
Palmer	Wood of Harrison
Patterson	Wood of Montague
Reed of Bowie	Worley
Roach of Angelina	Youngblood
Rogers	

Nays—69

Adamson	Jones of Wise
Alexander	Knetsch
Ash	Leath
Atchison	Leonard
Bergman	Lotief
Burton	Mauritz
Butler of Brazos	McCalla
Butler of Karnes	McKee
Canon	McKinney
Collins	Moore
Cooper	Morse
Crossley	Newton
Daniel	Padgett
Davison of Fisher	Payne
Davisson	Petsch
of Eastland	Quinn
Dickison	Reader
Dunagan	Reed of Dallas
Dunlap of Kleberg	Roach of Hunt
Dwyer	Roane
Ford	Roark
Fox	Roberts
Fuchs	Russell
Glass	Rutta
Graves	Scarborough
Hankamer	Settle
Hanna	Shofner
Harris of Dallas	Smith
Hartzog	Spears
Hodges	Stanfield
Holland	Steward
Hoskins	Stinson
Jackson	Thornton
James	Waggoner
Jones of Falls	Young

Absent

Beck	Frazer
Bradbury	Good
Caldwell	Gray
Calvert	Greathouse
Celaya	Head
Clayton	Herzik
Colquitt	Hill
Colson	Hofheinz
Cowley	Howard
Duvall	Hyder

Jefferson	Moffett
Jones of Atascosa	Morrison
Jones of Shelby	Nicholson
Lange	Pope
Lemens	Riddle

Absent—Excused

Bourne	Fitzwater
Davis	

Mr. Lanning offered the following amendment to the bill:

Amend House Bill No. 77 as follows:

Strike out subsection (c) Section 18, page 13, and insert as follows:

"(c) Winery Permits. A winery permit shall authorize the holder thereof to manufacture, bottle, package, and label wine; said permit shall also authorize the holder thereof to manufacture grape brandy to be used exclusively for fortifying purposes by its holder on the premises for which issued. The term 'wine,' wherever used in this Act, shall mean the product obtained from the normal alcoholic fermentation of the juice of sound ripe grapes, fruits and berries, (other than dried grapes, fruits and berries); or any such product, fortified with grape brandy and containing not more than seventeen (17%) per cent of alcohol by weight. It shall be lawful for any person holding a winery permit to sell wine direct to any other permittee and to the ultimate consumer in unbroken packages for off premises consumption. The annual license fee for such winery shall be Fifty (\$50.00) Dollars per annum.

"A class 'B' winery permit shall authorize the holder thereof to manufacture, bottle, package, and label wine where the grapes, fruits, and berries used in the manufacture of said wine have been produced solely within the county where such wine is manufactured. The annual license fee for such class 'B' winery shall be Ten (\$10.00) Dollars per annum.

"Nothing in this Act shall be construed to prevent or prohibit the manufacture of wines by the fermentation of grapes, fruits, and berries by an individual for consumption where the same is to be consumed and used by said individual and not sold or offered for sale."

LANNING,
WOOD of Montague.

The amendment was adopted.

Mr. Pope offered the following amendment to the bill:

Amend House Bill No. 77, by striking out Sections 50 and 51 and insert in lieu thereof the following:

"Section 49. (a) Chapter 7 of Title 11, Penal Code of Texas of 1925, and all amendments thereto are hereby expressly repealed, Title 80, Revised Civil Statutes, 1935, and all amendments thereto are hereby expressly repealed.

"Section 50. Chapter 116, Acts of the Regular Session, Forty-third Legislature, and Acts Amendatory thereto are hereby repealed.

"Section 51. (Manufacture, sale and distribution of beer authorized; local option; 'beer' defined)

"(a) The manufacture, sale and distribution of beer containing one-half ($\frac{1}{2}$) of one per cent (1%) or more of alcohol by volume and no more than four per centum (4%) of alcohol by weight is hereby authorized within the State of Texas, subject to the terms and conditions herein imposed.

"(b) It shall continue to be unlawful to manufacture, sell, barter or exchange in any county, Justice's Precinct or incorporated city or town any malt liquor containing in excess of one-half ($\frac{1}{2}$) of one per cent (1%) alcohol by volume except in counties, Justice's Precincts or incorporated cities or towns wherein the voters thereof had not adopted prohibition by local elections held under the laws of the State of Texas and in force at the time of taking effect of Section 20, Article 16 of the Constitution of Texas in 1919; except that in Counties, Justice's Precincts or incorporated cities or towns wherein a majority of the voters have voted to legalize the sale of beer in accordance with the local option provisions of Chapter 116, Acts of the Regular Session of the Forty-third Legislature, beer may continue to be sold lawfully. It is expressly provided, however, that local option elections may be held in any county, Justice Precinct or incorporated city or town within this State in accordance with the provisions of Section 32 to 40, inclusive, of the Texas Liquor Control Act, for the purpose of determining from time to time whether the sale of beer shall be prohibited or legalized within the prescribed limits; and it shall be unlawful to sell beer in any county, Justice's Precinct or incorporated city or town

wherein the same shall be prohibited by local option election, and lawful to sell beer under the provisions hereof in any county, Justice's Precinct or incorporated city or town wherein the sale of beer shall be legalized by local option election.

"(c) The word 'beer' as hereinafter used in this Act and for the purposes of this Act to govern the manufacture, sale and distribution of beer, shall mean any malt beverage containing one-half ($\frac{1}{2}$) of one per cent (1%) or more of alcohol by volume and not more than four per centum (4%) of alcohol by weight.

(Containers)

"Section 52. (a) Beer can be manufactured, sold and distributed in barrels, kegs, bottles and other containers.

"(b) As a standard of measure, the word 'barrel' shall mean a container containing thirty-one (31) standard gallons.

(Definitions; general distributor's license)

"Section 53. (a) A 'manufacturer' is hereby defined to be any person licensed to manufacture or brew beer and to distribute and to sell same to others in the original package or container.

"(b) A 'general beer distributor' is hereby defined to be any person licensed to distribute or to sell beer to local distributors, retail dealers and/or others in the original package or container.

"(c) A 'local beer distributor' is hereby defined to be any person licensed to sell and distribute beer to retail dealers and ultimate consumers in the county of his residence in unbroken packages not to be consumed on the premises where sold.

"(d) A 'retail beer dealer' is hereby defined to be any person licensed to sell beer in bottles and from kegs, barrels or other containers to the ultimate consumer.

"(e) A 'general beer distributor' shall procure the primary license in the county of his domicile or residence, and if he desires to establish any place of business in any other county, he shall present his license secured from the county of his residence to the Assessor and Collector of Taxes of such County, together with a license fee of Fifty (\$50.00) Dollars and it shall be

the duty forthwith of such Assessor and Collector of Taxes to issue a license for such general distributor in such county.

"(f) A distributor, local or general, may maintain necessary warehouses, for storage purposes only, from which delivery may be made without such warehouses being licensed.

"Section 54. It shall be unlawful for any person to manufacture or brew for the purpose of sale or to sell or distribute any beer, wine and/or any distilled liquor without first having applied for and secured a license and/or a permit as required by this Act.

"Section 55. Before any license required by this Act shall be issued, the license fee required therefor shall be paid to the Assessor and Collector of Taxes of the County where such license is issued for the use and benefit of the General Fund of the State of Texas. Annual fees required for license authorized by this Act shall be as follows:

"(a) For a license authorizing the manufacture and sale by a manufacturer, \$500.00.

"(b) For a general beer distributor, \$200.00.

"(c) For a local beer distributor, \$50.00.

"(d) For a license authorizing the sale of beer only by retail for consumption on or off the premises where sold, \$25.00.

"(e) For a license authorizing the sale of beer by retail dealer in the original container direct to the consumer, but not for resale, and not to be consumed on the premises where sold, \$10.00.

"(f) All licenses issued under the terms of this Act shall terminate at midnight on the thirty-first day of December of each year and no license shall be issued for a longer term than one year. On or before the first day of January, 1936, and annually thereafter each and every person owning a license issued under the terms of Chapter 116, Acts of the Forty-third Legislature, Regular Session, or any amendment thereto may by written application filed with the Assessor and Collector of Taxes of the County of his residence, not more than thirty (30) days prior to the first day of January, renew such license so held

by him. Such application shall be in writing, signed by the applicant and contain full and complete information as to the business to be conducted and all other information as set out and required in the original application upon which such original license was issued, accompanied by a fee of Two (\$2.00) Dollars, which said sum of Two (\$2.00) Dollars shall be in addition to the amounts in this Act required to be paid for annual licenses, as a renewal fee charge. Such sums so paid as renewal fee charges shall be deposited in the County Treasury by the respective Assessors and Collectors of Taxes as fees of office and be so accounted for by them respectively. Upon the presentation of such application for renewal of license, together with the sums required by this Act for an annual license, plus the said renewal fee of Two (\$2.00) Dollars, it shall be the duty of the Assessor and Collector of Taxes to forthwith issue such renewal license upon the form to be prescribed by the Texas Liquor Control Board; provided, however, that no applicant for a license under the terms of this Act governing the manufacture, sale and distribution of beer, shall be required to pay at any one time more than the annual fees required for licenses hereunder, and the renewal fee of Two (\$2.00) Dollars herein provided; but such applicant shall always be required to pay such fees in advance and if such license so sought is for a portion of a year only, then the fee required to be paid for the issuance of such license shall cover the period of time from the date of such license to midnight of the thirty-first day of December following, and only such proportionate part of such annual license fee as required under the terms of this Act as the period of time between the date of such license and the thirty-first day of December following bears to the calendar year shall be required to be paid by such applicant.

"(g) No manufacturer, general beer distributor, local beer distributor or retail beer dealer shall carry on such business at more than one place under the same license, but a separate license must be obtained for each place of business, nor shall any such license be voluntarily assigned more than once, but before assignee of such license can engage in business there-

under he or they shall comply with the provisions of this Act as required by original licensee and provided further that the sale of such license, whether in the name of the original licensee or assignee, may be made under execution or mortgage and the purchaser of such license in such sale shall have the right to surrender such license to the State or County which issued the tax receipt which is the basis thereof and shall receive therefor the pro rata unearned portion of such license, provided that should said original licensee or his assignee desire to change the place designated in said license he may do so by applying to the County Judge as in the case of the original application for license as provided in this Act.

"(h) The Commissioners Court of each County in this State shall have the power to levy and collect from every person that may be licensed hereunder in said County a license fee equal to one-half ($\frac{1}{2}$) of the State fee; and the city or town wherein the license is domiciled shall have the power to levy and collect a license fee not to exceed one-half ($\frac{1}{2}$) of the State fee, but no other fee or tax shall be levied by either. But nothing herein contained shall be construed as preventing the levying, assessing and collecting general ad valorem taxes on the property of the said persons, individuals, partnerships or corporations so licensed.

"(i) There is hereby provided a 'Temporary License' authorizing the sale by a retail dealer of beer for consumption on or off the premises where sold. The fee for such 'Temporary License' shall be Five (\$5.00) Dollars. Such license shall be issued by the Assessor and Collector of Taxes upon application approved by the County Judge, but no such permit shall be issued to any person who does not also hold a license as provided in sub-section (d) of this Section, and no such permit shall authorize the sale of beer at any point outside the county where same is issued. Any such temporary license shall expire at the end of the fourth day after the date the same is issued. Fees collected upon the issuance of such temporary license shall be retained by the County and no other fees shall be charged for such licenses; and no refund shall be allowed upon the surrender or non-use of any such li-

cense. The County Judge shall issue such licenses only for the sale of beer at picnics, celebrations, or similar events, and may refuse to issue such license if in his judgment the issuance of the license would in any manner be detrimental to the public.

"(j) Every license issued prior to the effective date hereof to any manufacturer, general distributor, local distributor or retail dealer, shall remain in force until midnight of December, 1935, unless surrendered in the manner herein provided; provided, however, that the power and authority heretofore granted to the State Comptroller for the enforcement of Chapter 116, and the duties imposed upon him are hereby transferred to and imposed upon the Texas Liquor Control Board; and provided that the schedule of license fees provided in subsection (d) and (e) of Section 55 shall not be effective until January 1, 1936.

(Beer tax; stamps)

"Section 56. (a) There is hereby levied and assessed a tax at the rate of One Dollar and Twenty-five cents (\$1.25) per barrel on all beer sold, stored or distributed in this State or imported into this State. On imported beer the duty of paying said tax and affixing and cancelling the tax stamps as required under this Act shall rest primarily on the importer, and it is hereby declared to be unlawful to import beer into this State unless said tax has first been paid and the tax stamp evidencing such payment has been first affixed and cancelled as required by this Act.

"It is the intention of this Section to impose upon all persons importing beer into this State the duty of paying said tax and affixing said stamp as required by this Act before said beer is imported into the State. Provided, however, if it should be determined that this subsection imposes an undue burden on interstate commerce and for that reason is invalid, then, it is hereby declared to be the legislative intent, nevertheless, to levy and collect the tax at the rate herein prescribed upon all beer sold, stored or distributed in this State, or imported into this State, and the duty of paying this tax shall rest upon the first person receiving, selling, storing or distributing said beer in this State; provided, further, however,

that the tax herein prescribed shall be paid but one time.

"No manufacturer, however, shall be required to affix any stamps on any container of beer to be transported out of this State while same is stored in any brewery where same is brewed.

"It shall be unlawful to transport to destinations in this State any beer upon which said tax has not been paid.

"(b) The taxes levied by this Act shall be paid and evidenced by placing stamps as hereafter provided in the denomination required on each original barrel, keg, box, carton or other container in which beer, wine and/or distilled liquor is packed; and provided further that at the time such stamp is affixed, the person affixing the same shall by indelible ink or stamp cancel said revenue stamp by placing the date and his or its full name or initials on said revenue stamp.

"(c) Provided, further, that if at the time said beer, wine and/or distilled liquor is received in this State, said stamps, as required by this Act, have already been affixed and/or dated and initialed, the person receiving the same shall be relieved therefrom, but he shall not be relieved from dating or initialing the same if no initial or date appears on said stamp upon receipt of said beer.

"(d) Said stamp shall be placed on each barrel, keg, carton, box or other container upon which the stamp is required to be affixed in such way that such container cannot be conveniently and practically opened without mutilating or defacing said stamp. Every person opening any such container upon which a stamp has been placed shall at the time mutilate or otherwise deface such stamp so that the same cannot be used again.

"(e) No bottled beer, wine and/or distilled liquor shall be stored in this State unless the same be in a container, unless the same is exposed for sale or is being cooled for sale, except when the same is legally in the possession of the ultimate consumer; nor shall any beer wine or distilled liquor be stored or sold in this State except to the ultimate consumer, unless the same is packaged or contained in a container properly stamped.

"(f) If any person has paid the tax on any containers of beer, wine or

distilled liquor and affixed stamps thereon, and thereafter such liquor is shipped out of Texas for consumption, a claim for refund may be made on paying a fee of Five (\$5.00) Dollars to the Texas Liquor Control Board at the time and in the manner prescribed by such Board. So much of any funds derived hereunder as may be necessary not to exceed two percentum (2%) thereof is hereby appropriated for such purpose. The Board may promulgate rules and regulations generally for the enforcement of this Act.

"Section 57. It is the purpose and intent of this Act to require the tax to be paid and the stamp evidencing the same to be affixed on the first sale, distribution, storage or transportation and at the source, to the end that it will preclude any person evading the payment of this tax, and so as to relieve as nearly as possible the consumer and retail dealer from having to affix said stamp.

"Section 58. (a) It shall be the duty of the State Treasurer and Board of Control to have engraved or printed the stamps necessary to comply with this Act and to sell same to all persons upon demand and payment therefor, and one fourth ($\frac{1}{4}$) of the proceeds of such sale shall be placed to the credit of the State Available School Fund and three-fourths ($\frac{3}{4}$) to the General Fund; and the State Treasurer shall be responsible for the custody and sale of such stamps and for the proceeds of such sales under his official bond. Such stamps shall be of such design and denomination as the State Treasurer and Board of Control shall from time to time prescribe and shall show the amount of tax, the payment of which is evidenced thereby, and shall contain the words 'Texas State Tax paid.'

"(b) The sum of Five Thousand (\$5,000.00) Dollars or so much thereof as may be necessary, is hereby appropriated out of the General Fund with which to pay the costs of providing such stamps. All appropriations of monies authorized by the Forty-fourth Legislature, Regular Session, 1935, for enforcement of the provisions of Chapter 116, Acts Regular Session, Forty-third Legislature by the Comptroller of Public Accounts, are hereby transferred and made available for expenditure by the Texas

Liquor Control Board in the enforcement of this Act.

"Section 59. (1) It shall be unlawful for any manufacturer or distributor directly or indirectly or through a subsidiary or affiliate, any agent or any employee, or by an officer, director, or firm member:

"(a) (Ownership of Interest or Real Estate): To own any interest in the business of any retail dealer or own any interest of any kind in the premises in which any such retail dealer conducts his or its business.

"(b) (Retail Licenses): To hold the ownership or any interest in any license to sell brewery products for consumption on the premises covered by such license, except the license of manufacturers to dispense their own products on the brewery premises.

"(c) (Loans and Guarantees): To furnish, give or lend any money or other thing of value, or to extend unusual credit terms, to any person engaged in selling brewery products for consumption on the premises where sold, or to any person for the use, benefit or relief of said person engaged in selling as above or to guarantee the repayment of any loan or the fulfillment of any financial obligation of any person engaged in selling as above. The extension of credit for longer period of time than is generally extended to regular customers of a manufacturer or distributor covering the purchase of brewery, winery and/or distillery products from such manufacturer or distributor shall be deemed unusual credit terms.

"(d) (Consignment Sales): To make or enter into any agreement or contract, the effect of which will amount to the shipment or delivery of brewery products on consignment. 'Consignment,' as here used, means the delivery of products under an arrangement whereby the person receiving such products has the right at any time prior to sale to relinquish possession to or return them to the shipper, and whereby the title to such products remains in the shipper.

"(e) (Equipment and Fixtures): To furnish, give, rent, lend or sell any equipment, fixtures or supplies to any person engaged in selling intoxicating liquor for consumption on the premises where sold. This subsection does not apply to such equipment, fixtures

or supplies furnished, given, loaned, rented or sold prior to the effective date of this Act, except that such transactions made prior to this date are not to be used as a consideration for an agreement thereafter made respecting the purchase of brewery products.

"This subsection shall not apply to the practice of furnishing carbonic gas or tapping accessories, such as rods, vents, hose, washers, couplings, taps, vent tongues, and check valves to persons engaged in selling brewery products for consumption on the premises where sold, when a charge is made for such carbonic acid gas in accordance with the reasonable open market value thereof in the locality where furnished, and if the aggregate cost to any one person of all tapping accessories herein enumerated furnished to him by such manufacturer or distributor in any twelve months' period does not exceed five dollars for each tapping unit used in dispensing brewery products purchased from such manufacturer or distributor.

"(f) (Signs) (1) To furnish, give, lend, rent or sell any interior decorations or signs costing the manufacturer or distributor collectively more than Twenty-five (\$25.00) Dollars in any one calendar year, or to furnish, give, lend, rent or sell any sign or signs for outside use, costing the manufacturer or distributor collectively more than Fifty (\$50.00) Dollars in any one calendar year, to any person engaged in selling brewery products, for use in or about or in connection with any one establishment in which brewery products are sold for consumption on the premises where sold; (2) To pay money or other thing of value for the privilege of placing or painting a sign on the premises occupied by anyone selling brewery products for consumption on the premises where sold. This subsection shall not apply to valid existing contracts for the loan or rental of signs or space for the painting or erection of signs, made prior to the effective date of this Act, but shall apply to prevent the renewal or continuance of any such contract at or after its termination.

"(g) (Allowances and Rebates for Advertising and Distribution Service): To pay or make any allowance to any buyer for a special advertising or distribution service (1) Unless in pur-

suance of a written contract defining the service to be rendered and the payment therefor; and (2) unless such service is rendered and the payment is reasonable and not excessive in amount; and (3) unless such contract is separate and distinct from any sales contract; and (4) unless such payment is equally available for the same service to all competitive buyers in the same class in the same trade area.

"(h) (Prizes and Premiums): To offer any prize, premium, gift, or other similar inducement, except advertising novelties of nominal value, to any dealer in or consumer of intoxicating liquor.

"(i) (Advertising): To publish or disseminate or cause to be published or disseminated by radio broadcast, or in any newspaper, periodical or other publication or by any sign or outdoor advertisement or any other printed or graphic matter, any advertisement of any brewery product, if such advertisement causes, or is reasonably calculated to cause deception of the consumer with respect to the product advertised. An advertisement shall be deemed misleading if it is untrue in any particular or if directly or by ambiguity, omission, or inference, it tends to create a misleading impression. Any advertisement which is obscene or indecent shall be unlawful.

"(j) (Misbranding): To sell or otherwise introduce into commerce any intoxicating liquor that is misbranded. A product is misbranded:

"(1) Food and Drug Act Requirement—If it is misbranded within the meaning of the Food and Drug Acts.

"(2) Standards of Fill—If the container is so made, formed or filled as to mislead the purchaser, or if its contents fall below the recognized standards of fill.

"(3) Standards of Quality—If it misrepresents the standard of quality of product in the branded container.

"(4) Labels—If it is so labeled that it purports to be any product other than is actually in the container.

"(k) (Exclusive Outlet): To require, by agreement or otherwise, that any retailer engaged in the sale of any intoxicating liquor shall purchase any such products from any person to the exclusion, in whole or in part, of the products sold or offered for sale by any other person engaged in the man-

ufacture or distribution of intoxicating liquor or to require the retailer to take and dispose of a certain quota of any such product.

(1) (Commercial Bribery): To give or permit to be given money or anything of value in an effort to induce agents, employees, or representatives of customers or prospective customers to influence their employers or principals to purchase or contract to purchase products from the maker of such gift, or to influence such employers or principals to refrain from dealing or contracting with competitors.

"(m) (Returnable Container): It shall be unlawful for any manufacturer to accept as a return or to purchase or use a hogshead, barrel, half-barrel, keg, case or bottle permanently branded or imprinted with the name of another manufacturer.

"(n) (Labeling): To manufacture or sell or otherwise introduce into commerce in this State any brewery product unless it bears a label showing in plain, legible type the name and address of the manufacturer, or the name of the distributor for whom any special brand is manufactured, the brand or trade name, and the net content of the bottle in terms of United States liquor measure; or to manufacture or sell or otherwise introduce into commerce in this State any container or dispensing equipment, carton or case for beer bearing a label or imprint which by wording, lettering numbering or illustration, or in any other manner carries any reference or illusion, or suggestion in case of beer to the alcoholic strength of the product, or to any manufacturing process, or upon which appears any such words or combination of words, or abbreviations thereof, as 'strong,' 'full strength,' 'extra strength,' 'high test,' 'high proof,' 'pre-war strength,' 'full old time alcoholic strength,' or any words or figures or other marks or characters alluding or relating to 'proof,' 'balling' or 'extract' contents of the product; or which in the case of all intoxicating liquor any bears a label that is untrue in any particular or which directly or by ambiguity, omission or inference tends to create a misleading impression or causes, or is reasonably calculated to cause, deception of the consumer or buyer with respect to the product.

"(2) It shall be unlawful for any retail dealer to dispense any draft beer unless each faucet or other dispensing apparatus is equipped with a sign clearly indicating the name or the brand of the particular product being at the time dispensed through each faucet or other apparatus, which sign shall be in legible lettering and in full sight of the purchaser.

"(3) Provided, that if any provisions of this Section 9 is for any reason held unconstitutional and invalid, such decision shall not affect the validity of the remaining portions, and the Legislature hereby declares that it would have passed this Act and each section, subsection, provision, sentence, clause or phrase thereof, irrespective of the fact that any provision is declared unconstitutional.

(Procedure to obtain license)

"Section 60. (a). Any person desiring a license as manufacturer, distributor, or retail dealer in any intoxicating liquor may in vacation or in term time file a petition with the County Judge of the county in which the applicant desires to engage in such business, which petition shall state as follows:

If a manufacturer:

"(1) That he is a law abiding, tax-paying citizen of this State, over twenty-one (21) years of age; that he has not been convicted of a felony within two (2) years immediately preceding the filing of said petition, and has been a resident of the county wherein such license is sought for more than two (2) years next preceding the filing of said petition.

"(2) If a co-partnership, that all of the individuals have the same qualifications as provided in paragraph (1) above.

"(3) If a corporation, that applicant is organized and chartered under and has complied with all corporation laws of this State applicable to such corporation; the principal place of business in such county where such license is sought, and the president or manager shall make an affidavit that he is a law abiding, taxpaying citizen of this State, over twenty-one (21) years of age, and that he has not been convicted of a felony within two (2) years immediately preceding the filing of said petition.

If a distributor:

"(1) Such applicant shall give the same information required of a manu-

facturer, including the place or places where such business is to be transacted.

If a retail dealer:

"(1) The same information required of a manufacturer.

"(2) Whether he desires to sell beer for consumption on or off the premises.

If an individual:

"(1) That the applicant shall make an affidavit duly signed and sworn to before any person authorized to administer oaths under the laws of this State, showing that he has not since the effective date of this Act, naming the date in the affidavit, and within two (2) years next preceding the making of said application and while engaged in the manufacture, sale or distribution of beer, paid, contributed or furnished any money or thing of value to any candidate for any public office in this State.

"If the application is in behalf of a corporation, the affidavit shall be by the president, vice-president, secretary or treasurer of such corporation and shall contain a statement that the corporation has not paid, contributed or furnished any money or thing of value to any candidate for any public office in this State since the effective date of this Act, naming the date in the affidavit and within two (2) years next preceding the making of said application and while engaged in the business of manufacturing, sale or distribution of beer. Any person who makes a false affidavit in reference to the matters and things required by this Section, shall be guilty of a felony, and upon conviction shall be punished as now provided by law for having committed the offense of false swearing.

"(b) Such manufacturer, distributor, or retail dealer desiring to be licensed shall file said petition with the County Judge who shall set same for a hearing at a date not less than five (5) nor more than ten (10) days from the filing of same, and if upon hearing, he finds the facts stated in such petition are true, he shall authorize a license to be granted as prayed for, provided, however, that upon the filing of such petition, the clerk shall first give notice thereof by posting at the courthouse door a written notice of the filing of said petition and a copy of the substance thereof, and such notice shall state when the petition shall be heard.

Said petition may be inspected by any person. Any citizen shall be permitted to contest the facts stated in said petition and the applicant's right to secure license upon giving security for all costs which may be incurred in such suit, should the same be decided in favor of the applicant; provided, however, no county or district attorney shall be required to give bond for such costs, but the county or State as the case may be shall be liable therefor.

"(c) Upon the court's authorizing a license to be issued, the Judge shall so certify and deliver a copy of such certification to the applicant, who shall thereupon present the same to the Assessor and Collector of Taxes and pay the fee required, whereupon it shall be the duty of the Assessor and Collector of Taxes to issue such a license on a form prescribed by the Texas Liquor Control Board showing the amount paid, date, classification and such other information that may be required by the Board, including the correct address of the place of business. A copy of such license shall be sent by the Assessor and Collector of Taxes forthwith to the office of the Board and State Comptroller and a record thereof kept in said office.

"(d) In the event the County Judge denies the application for a license, he shall enter his judgment accordingly and the applicant may within thirty (30) days thereafter appeal to the District Court of the County where said application is made, and such District Court may hear and determine such appeal in term time or vacation by trial de novo. If the applicant shall prevail by final judgment, a certified copy thereof shall be presented to the Assessor and Collector of Taxes, who shall thereupon accept the fees required and license shall be issued as provided herein.

"(e) Any manufacturer, distributor or person shipping or consigning intoxicating liquor into this State shall file with the Secretary of State a certificate certifying the name of his agent upon whom service may be had, his or its street address and business, and if such shall not have been done within fifteen (15) days from the effective date hereof then service may be had on the Secretary of State in any cause of action arising out of the violation of this Act governing the manufacture, distribution and sale of

beer, and it shall be the duty of the Secretary of State to send any such citation served on him to such person who may be in a foreign state, registered, return receipt requested, and such receipt will be prima facie evidence of service on such person.

"Section 61. (a) Upon the payment of the fee to the Assessor and Collector of Taxes and the proper evidence from the County Judge that such applicant should be licensed, such Assessor and Collector shall issue to the applicant the proper license which shall be by him signed, be under the seal of his office, be dated, state on its face for what it is issued, date when it will expire, by whom and where such business is to be conducted and shall describe the place where same is to be kept and whether licensee is authorized to act as manufacturer, general distributor, local distributor, or retail dealer as set out in the application.

"(b) In the event of the death of any licensee or the dissolution of any corporation or association of persons, leaving unearned portion of any license issued, the legal representatives of such deceased person or surviving partner or director of any such corporation may present the license of such person to the State and County and receive payment of the unearned portion of license fee collected, the State's portion to be paid out of the foregoing appropriation to the Texas Liquor Control Board.

"(c) The Assessor and Collector of Taxes shall make statements to the Texas Board of Liquor Control and to the State Comptroller of the amounts collected by him at the times and in the manner as required by the Board.

"Section 62. (a) If any person manufactures or sells intoxicating liquor in this State as a manufacturer, distributor or retail dealer, or other permittee without then and there being licensed as a manufacturer, distributor or retail dealer respectively, or

"(b) If any person or agent or representative of any manufacturer, distributor, retail dealer or permittee shall manufacture or sell beer for any manufacturer, distributor or retail dealer without such manufacturer, distributor, or retail dealer being duly licensed as required by law, or,

"(c) If any persons shall sell, transport, store or otherwise handle

in intrastate commerce, or conspire to sell, transport, store or otherwise handle in intrastate commerce any beer without the stamp required in Section 6 hereof being placed on the container as required in such Section, or,

"(d) If any person shall open any such container having a stamp without then and there mutilating or otherwise defacing such stamp so that it cannot be again used, or,

"(e) If any person shall attach to any container any stamp that has been theretofore attached to a different container of intoxicating liquor, or,

"(f) Shall refuse to allow on demand of the Texas Board of Liquor Control or any representative of said Board, and/or the Comptroller of Public Accounts to make a full inspection of any place where liquor is being stored, transported, manufactured or otherwise handled, or,

"(g) If any person shall knowingly or willfully sell any liquor to any person under the age of twenty-one (21) years, or,

"(h) If any person fails to display any license required by the provisions of this Act in some conspicuous place in the house where such business is conducted, or,

"(i) If any person shall sell or offer for sale in this State, whether as principal or agent, any liquor unless the same be in or from the original container bearing the original label with the full name of the brewer or manufacturer of such beer, or the name and address of any distributor for whom a special brand is manufactured, both upon the label or bottle and/or upon the cap or cork of such bottle or upon the keg, or,

"(j) If any person shall employ any person under the age of eighteen (18) years to sell, handle or dispense, or to assist in the selling, handling or dispensing of beer in any establishment where intoxicating liquor is sold by retail to be consumed on the premises where sold, or,

"(k) If any person shall violate any provision of this Act whether specifically enumerated above or not,

"(l) He shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine in the sum of not less than Twenty-five (\$25.00) Dollars and not more than Five Hundred

(\$500.00) Dollars, or by imprisonment in the County jail not more than one year or by both such fine and imprisonment, except when some other penalty is specifically provided by this Act, in which event the penalty specifically provided shall apply to the specific act or omission.

"Section 63. (a) Each manufacturer and distributor shall be required to keep records of the amount of beer, wine and/or distilled liquor manufactured and/or bought or received by them and the amount sold, the amount of stamps purchased by them and the amount of stamps used by them and such other records as may be required to be kept by the Texas Liquor Control Board and/or Comptroller which records at all times shall be open for the inspection of the Board or its duly authorized representative at reasonable office hours.

"(b) If any person shall commit any offense prescribed by Section 13 or violate any other provision of this Act, he shall also forfeit to the State a penalty not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars to be recovered by the State in a suit filed in Travis County or in any county in which such violation may have occurred, which money shall be paid into the State Available School Fund, and each day of such violation shall constitute a separate and distinct violation.

"(c) Each sale to any person under twenty-one (21) years of age under the provisions of this Act shall constitute a separate offense.

"(d) It shall be unlawful for any person in all counties or subdivisions thereof wherein the sale of intoxicating liquor is authorized to be sold, to sell beer on the day of any general primary election or general election held in this State, between the hours of seven o'clock a. m., and eight o'clock p. m., of the day, and

"(e) It shall be unlawful for any person engaged in or having any interest in any business which manufactures, sells or distributes any intoxicating liquors, as defined in this Act, to contribute any money or any other thing of value toward the campaign expenses of any candidate for any office in this State.

(f) No person who may engage in the sale of such liquor as a principal

business and which is to be consumed on the premises, under the provisions of this Act shall offer for sale or sell such liquor between the hours of twelve o'clock midnight and seven o'clock a. m., on each day as herein provided and from and after twelve o'clock midnight, Saturday until seven o'clock a. m., Monday of the following week.

"(g) The Commissioners Court of any county in the territory thereof outside of incorporated cities and towns and the governing authorities of any city or town within the corporate limits of any such city or town may prohibit the sale of intoxicating liquor by any dealer where the place of business of any such dealer is within three hundred (300) feet of any church, school or other educational institution, the measurements to be along the property lines of the street fronts and from front door to front door and in a direct line across intersections where they occur.

"Section 64. Any person, other than the State Treasurer or his duly authorized agent who shall print or engrave or directly aid in or cause the printing or engraving of any stamp or stamps evidencing or purporting to evidence the payment of any tax levied by this Act governing the manufacture, distribution and sale of beer, or who shall use or consent to the use of any counterfeit or unauthorized stamps in connection with the sale or offering for sale of any intoxicating liquor or shall place or cause to be placed on any container containing or to contain such beer any such unauthorized or counterfeit stamps, or if any person shall knowingly possess any counterfeit stamps or shall counterfeit any license to be used in lieu of the stamps or license required by this Act governing the manufacture, distribution and sale of beer, he shall be guilty of a felony and upon conviction be punished by imprisonment in the penitentiary for not less than two (2) years nor more than five (5) years.

"Section 65. Any person, whether as principal or agent of any firm, corporation or association of persons engaged in the business of manufacturing and selling or in the business of distributing and selling or in the retail business of selling intoxicating liquor under license which does not

permit such liquor to be opened and consumed on the premises where sold, who shall permit any such liquor so manufactured and sold or distributed and sold to be opened and consumed on the premises where sold, shall be guilty of a misdemeanor and upon conviction, be punished by a fine of not less than Fifty (\$50.00) Dollars, nor more than Five Hundred (\$500.00) Dollars.

"Section 66. In addition to the penalties herein provided, the license of any person convicted of violating any of the provisions of this Act governing the manufacture, sale and distribution of intoxicating liquor shall be subject to forfeiture in a suit filed by the State for such purpose by reason of such conviction; and no license shall be re-issued to any person whose license for any of such occupations have been revoked or forfeited within one (1) year next preceding the filing of his application for a new license.

"Section 67. In case the license of any licensee hereunder is forfeited under the provisions of this Act, nevertheless such licensee shall be authorized to sell or dispose of in bulk any stock of intoxicating liquor he may have on hand at the time such license is forfeited.

"Section 68. It is hereby declared to be lawful to transport intoxicating liquor, from any place in this State, where the sale, manufacture and distribution of such intoxicating liquor is authorized by law, to any other place within this State where the same may be lawfully manufactured, sold or distributed; and from the State boundary to any such place, even though in the course of such transportation the route over which the same is being transported may traverse local option territory in which the manufacture, sale and distribution of said intoxicating liquor is prohibited. Provided, however, that any such shipments must be accompanied by a written statement furnished and signed by the shipper showing the name and address of the consignor and the consignee, the origin and destination of such shipment and it shall be the duty of the person in charge of such cargo while it is being so transported to exhibit such written statement to any peace officer making demand therefor, and said statement shall be accepted by such officer as prima facie evidence of the

lawful right to transport such intoxicating liquor.

"Section 69. In all cases where any person pursuing the occupation of selling intoxicating liquor containing not more than four per centum (4%) of alcohol by weight under licenses issued in accordance with the laws of this State has been or shall hereafter be prevented from pursuing such occupation for the full time to which he would be otherwise entitled by reason of the adoption of local option in any county or sub-division thereof, the proportionate amount of license fees paid by him for the unexpired term shall be refunded to him.

"Section 70. No 'blinds' or barriers of any kind or character shall be installed or maintained in the openings or doors of any establishment whose principal business is the sale of intoxicating liquor neither shall any windows on said establishment be painted in such a way as to obstruct the views from the general public.

"Section 71. Upon having called to his attention by affidavit of any credible person that any person is violating, or is about to violate, any of the provisions of this Act governing the manufacture, distribution and sale of intoxicating liquor it shall be the duty of the Attorney General or the District or County Attorney to assist in any proceedings to restrain any such person from the threatened or any further violation, and the District Judge shall have authority to issue restraining orders without hearing, and upon notice and hearing to grant injunction, to prevent such threatened or further violation by the person complained against, and may require the person complaining to file a bond in such amount and containing such conditions and in such cases as the Judge may deem necessary. Upon any judgment of the Court that violation of any restraining order or injunction issued hereunder has occurred, such judgment shall operate to cancel, without further proceedings, any license held by the person who is defendant in the proceedings, and no license shall be re-issued to any person whose license has been so cancelled, revoked or forfeited, within one (1) year next preceding the filing of his application for a new license. It shall be the duty of the District Clerk to notify the Assessor and Collector of Taxes and the Texas Liquor

Control Board of any judgment of a Court which operated hereunder to cancel a license."

POPE,
MORSE,
ALEXANDER,
McKINNEY.

Mr. McKee offered the following amendment to the amendment by Mr. Pope:

Amend Pope amendment by striking out subsection "(f)" on page 45.

McKEE,
ROGERS,
FARMER,
McCONNELL,
ROACH of Hunt,
ROANE,
HOWARD,
READER,
SPEARS,
DICKISON,
MORSE,
DWYER.

The amendment was adopted.

The amendment, as amended, was then adopted.

Mr. Broyles offered the following amendment to the bill:

Amend House Bill No. 77 by striking out "\$150.00" in line 17, page 22, and add in lieu thereof "\$50.00."

Question recurring on the amendment by Mr. Broyles, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—101

Adamson	Dickison
Adkins	Dunagan
Aikin	Dunlap of Hays
Alexander	Dwyer
Alsup	England
Ash	Fain
Atchison	Fisher
Bergman	Ford
Bradbury	Fox
Bradford	Frazer
Broyles	Gibson
Burton	Glass
Butler of Karnes	Hanna
Cagle	Hardin
Canon	Harris of Dallas
Clayton	Hartzog
Collins	Head
Cooper	Hill
Daniel	Holland
Davison of Fisher	Hoskins
Davisson	Howard
of Eastland	Huddleston

Hunt	Palmer
Hunter	Payne
Jackson	Petsch
James	Quinn
Jones of Falls	Reader
Jones of Wise	Riddle
Keefe	Roach of Angelina
King	Roach of Hunt
Lange	Roane
Lanning	Roark
Latham	Roberts
Leonard	Russell
Lindsey	Rutta
Lotief	Scarborough
Lucas	Settle
Luker	Shofner
Mauritz	Smith
McCalla	Stanfield
McConnell	Stinson
McFarland	Stovall
McKee	Tennyson
McKinney	Tillery
Moffett	Venable
Morris	Walker
Morrison	Wells
Morse	Westfall
Newton	Wood of Montague
Olsen	Worley
Padgett	Young

Nays—16

Beck	Moore
Craddock	Patterson
Farmer	Pope
Fuchs	Reed of Bowie
Hankamer	Thornton
Harris of Archer	Waggoner
Hodges	Wood of Harrison
Knetsch	Youngblood

Present—Not Voting

Steward

Absent

Butler of Brazos	Herzik
Caldwell	Hofheinz
Calvert	Hyder
Celaya	Jefferson
Colquitt	Jones of Atascosa
Colson	Jones of Shelby
Cowley	Leath
Crossley	Lemens
Dunlap of Kleberg	Nicholson
Duvall	Reed of Dallas
Good	Rogers
Graves	Sessions
Gray	Spears
Greathouse	Tarwater

Absent—Excused

Bourne	Fitzwater
Davis	

Mr. Burton offered the following amendment to the bill:

Amend House Bill No. 77, page 3, line 15, by striking out the comma after the word "possess," and by inserting after the word possess, the following:

"for the purpose of sale."

The amendment was adopted.

Mr. Graves offered the following amendments to the bill:

Amend House Bill No. 77, page 21, line 8, by striking out the words "wet and" between the words "to dry."

GRAVES,
READER.

Amend House Bill No. 77, Bradbury substitute by eliminating Section N (1), page 2, and insert in lieu thereof the following:

"No permit shall be issued as herein defined, except under the foregoing Section (N) of this Act. Anyone holding such permit shall on or before the tenth day of each month send by registered U. S. mails to the Board of Liquor Control a copy of each prescription showing the sales made during the next preceding calendar month, and the disposition of such prescription, the amount sold hereunder, and the amount paid therefor, which entry shall be made upon such prescription by the person filling the same at the time such is so filled. Any violation of any provision of this Section shall be punished by a fine of not less than Twenty-five (\$25.00) Dollars nor more than Two Hundred (\$200.00) Dollars, or by confinement in the county jail for not less than thirty (30) nor more than sixty (60) days or by both such fine and imprisonment."

GRAVES,
READER,

The amendments were severally adopted.

Mr. Farmer offered the following amendment to the bill:

Amend House Bill No. 77 as follows:

On page 26, line 20, strike out, "eighty cents (80c)" and substitute therefor "One Dollar and Fifteen Cents (\$1.15)."

Mr. Roach of Hunt offered the following amendment to the amendment by Mr. Farmer:

Amend Farmer amendment by striking out the words and figures "\$1.15" and substitute in lieu thereof "One (\$1.00) Dollar."

Mr. Lotief offered the following substitute for the amendment by Mr. Roach of Hunt:

Amend House Bill No. 77, page 26, line 20, by changing the words and figures "80c" and insert in lieu thereof "60c."

The substitute amendment was lost.

Question first recurring on the amendment by Mr. Roach of Hunt, to the amendment by Mr. Farmer, it was lost.

Question then recurring on the amendment by Mr. Farmer, it was lost.

Mr. Head offered the following amendment to the bill:

Amend House Bill No. 77, page 10, subsection "I," to read as follows:

"That applicant has ever been engaged in the business of importing, manufacturing, transporting or selling liquor in violation of the laws of Texas, or any other State in the United States or of the United States Government."

The amendment was adopted.

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 77 was then passed by the following vote:

Yeas—91

Adamson	Davisson
Adkins	of Eastland
Aikin	Dunagan
Alexander	Dunlap of Hays
Alsup	Dunlap of Kleberg
Ash	England
Atchison	Fain
Beck	Farmer
Bradbury	Fisher
Bradford	Ford
Broyles	Fox
Burton	Frazer
Butler of Brazos	Gibson
Cagle	Glass
Canon	Good
Cooper	Graves
Cowley	Greathouse
Craddock	Hardin
Crossley	Harris of Archer
Daniel	Head
Davison of Fisher	Hodges

Huddleston	Riddle
Hunt	Roach of Angelina
Hunter	Roach of Hunt
Jones of Falls	Roark
Jones of Shelby	Roberts
Jones of Wise	Russell
Keefe	Sessions
Lanning	Settle
Latham	Shofner
Lemens	Stanfield
Lindsey	Steward
Lotief	Stinson
Lucas	Stovall
Luker	Tarwater
Mauritz	Tennyson
McConnell	Tillery
McFarland	Venable
Moffett	Waggoner
Morris	Walker
Morrison	Wells
Palmer	Westfall
Patterson	Wood of Harrison
Payne	Wood of Montague
Petsch	Worley
Reed of Bowie	Youngblood

Nays—39

Bergman	McCalla
Butler of Karnes	McKee
Clayton	McKinney
Collins	Moore
Dickison	Morse
Dwyer	Newton
Fuchs	Olsen
Hankamer	Padgett
Hanna	Pope
Harris of Dallas	Quinn
Hartzog	Reader
Herzik	Reed of Dallas
Hill	Roane
Holland	Rutta
Hoskins	Scarborough
Howard	Smith
Jackson	Spears
James	Thornton
Knetsch	Young
Lange	

Absent

Caldwell	Hyder
Calvert	Jefferson
Celaya	Jones of Atascosa
Colquitt	King
Colson	Leath
Duvall	Leonard
Gray	Nicholson
Hofheinz	Rogers

Absent—Excused

Bourne	Fitzwater
Davis	

REASONS FOR VOTE

"I voted 'no' on the final passage of House Bill No. 77 by Petsch and Bradbury for the following reasons:

"First—The measure is entirely too severe and restrictive and will do very little, in my opinion, to correct bootlegging, law violation and other evils of the liquor traffic.

"Second—The measure was written, sponsored and passed by Representatives, who in most instances, come from districts that did not even vote for repeal and very likely will not adopt the Bradbury bill or any other liquor regulatory bill. While I admire the ability of these gentlemen very much, I feel that members like myself, who come from districts wherein a considerable amount of intoxicating liquor is now sold, could prepare a better bill for our districts than these gentlemen can.

"Third—Finally, I am convinced that the Bradbury bill will bring in a very negligible amount of revenue, because there will be so much law violation under its terms that much liquor will escape all taxation."

JACK PADGETT.

RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled resolutions:

H. C. R. No. 7, Granting A. F. Gaston permission to sue the State.

H. C. R. No. 8, Granting S. A. Castlebury permission to sue the State.

H. C. R. No. 14, Suspending certain Joint Rules to consider House Bill No. 77.

SENATE BILL NO. 21 ON SECOND READING

Mr. McCalla moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 21 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—126

Adamson
Adkins

Aikin
Alexander

Alsup	Knetsch
Ash	Lange
Atchison	Lanning
Beck	Latham
Bergman	Lindsey
Bradbury	Lotief
Bradford	Lucas
Broyles	Luker
Burton	McCalla
Butler of Brazos	McConnell
Butler of Karnes	McFarland
Cagle	McKee
Canon	McKinney
Celaya	Moffett
Clayton	Morris
Collins	Morrison
Cooper	Morse
Cowley	Newton
Craddock	Olsen
Crossley	Padgett
Daniel	Palmer
Davison of Fisher	Patterson
Davisson	Payne
of Eastland	Petsch
Dickison	Pope
Dunagan	Quinn
Dunlap of Hays	Reader
Dunlap of Kleberg	Reed of Bowie
Dwyer	Reed of Dallas
England	Riddle
Fain	Roach of Angelina
Farmer	Roach of Hunt
Fisher	Roane
Ford	Roark
Fox	Roberts
Frazer	Rogers
Fuchs	Russell
Gibson	Rutta
Glass	Scarborough
Graves	Sessions
Hankamer	Settle
Hanna	Shofner
Hardin	Smith
Harris of Archer	Spears
Harris of Dallas	Stanfield
Hartzog	Steward
Head	Stinson
Herzik	Stovall
Hill	Tarwater
Hodges	Tennyson
Holland	Thornton
Hoskins	Tillery
Howard	Venable
Huddleston	Waggoner
Hunt	Walker
Hunter	Wells
Jackson	Westfall
James	Wood of Harrison
Jones of Falls	Wood of Montague
Jones of Wise	Worley
Keefe	Youngblood
King	

Absent	
Caldwell	Jefferson
Calvert	Jones of Atascosa
Colquitt	Jones of Shelby
Colson	Leath
Duvall	Lemens
Good	Leonard
Gray	Mauritz
Greathouse	Moore
Hofheinz	Nicholson
Hyder	Young

Absent—Excused

Bourne	Fitzwater
Davis	

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 21, A bill to be entitled, "An Act amending Article 2031, Revised Civil Statutes of 1925, and providing means and method of securing service of process on foreign corporations; and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 21 ON THIRD READING

The Speaker then laid Senate Bill No. 21 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—125

Adamson	Davison of Fisher
Adkins	Davisson
Aikin	of Eastland
Alexander	Dickison
Alsup	Dunagan
Ash	Dunlap of Hays
Atchison	Dwyer
Beck	England
Bergman	Fain
Bradbury	Farmer
Bradford	Fisher
Broyles	Ford
Burton	Fox
Butler of Brazos	Frazer
Butler of Karnes	Gibson
Canon	Glass
Celaya	Graves
Clayton	Hankamer
Collins	Hanna
Cooper	Hardin
Cowley	Harris of Archer
Craddock	Harris of Dallas
Crossley	Hartzog
Daniel	Head

Herzik	Petsch
Hill	Pope
Hodges	Quinn
Holland	Reader
Hoskins	Reed of Bowie
Howard	Reed of Dallas
Huddleston	Riddle
Hunt	Roach of Angelina
Hunter	Roach of Hunt
Jackson	Roane
James	Roark
Jones of Falls	Roberts
Jones of Shelby	Rogers
Jones of Wise	Russell
Keefe	Rutta
King	Scarborough
Knetsch	Sessions
Lange	Settle
Lanning	Shofner
Latham	Smith
Lindsey	Spears
Lotief	Stanfield
Lucas	Steward
Mauritz	Stinson
McCalla	Stovall
McConnell	Tarwater
McFarland	Tennyson
McKee	Thornton
McKinney	Tillery
Moffett	Venable
Moore	Waggoner
Morris	Walker
Morrison	Wells
Morse	Westfall
Newton	Wood of Harrison
Olsen	Wood of Montague
Padgett	Worley
Patterson	Young
Payne	Youngblood

Present—Not Voting

Cagle	Luker
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Absent

Caldwell	Hofheinz
Calvert	Hyder
Colquitt	Jefferson
Colson	Jones of Atascosa
Dunlap of Kleberg	Leath
Duvall	Lemens
Fuchs	Leonard
Good	Nicholson
Gray	Palmer
Greathouse	

Absent—Excused

Bourne	Fitzwater
Davis	

(Mr. Morse in the chair.)

SENATE BILL NO. 15 ON PASSAGE
TO THIRD READING

The House resumed consideration of pending business, same being Senate Bill No. 15, relative to the licensing of operators of motor vehicles, on its passage to third reading.

The bill having been read second time on this morning.

Mr. Farmer offered the following amendment to the bill:

Amend Senate Bill No. 15 as follows:

Strike out Sections (b) and (c) on page 12 and substitute therefor the following:

"(b) Every county court or district court in this State having jurisdiction over any of the offenses above enumerated shall, upon conviction of any person in said court for a violation of any of said laws above enumerated, and in addition to any penalty which may now be imposed under the laws of this State against such person, suspend the privilege of such person to drive and/or operate a motor vehicle upon the public highways and roads of this State for a period of time of not less than thirty (30) days, nor more than five (5) years; such period of suspension shall be incorporated in the judgment of conviction and the court imposing such judgment of suspension shall have the right and power to enforce the same by injunctive proceedings during the life of such judgment and until such judgment of suspension is satisfied. Upon proof to said court that said judgment has been violated, the court may punish the person violating the same as for contempt, by imprisonment in the county jail not to exceed a term of sixty (60) days, or by a fine of not to exceed One Hundred (\$100.00) Dollars, or by both such fine and imprisonment.

"(c) It is expressly provided that each time any person, whose right to operate an automobile on the public highways and roads of this State has been suspended, drives or operates such vehicle in violation of such judgment, shall constitute a separate and distinct contempt of said court and an offense, and shall be punished as such."

FARMER,
SPEARS.

Mr. Thornton moved to table the amendment by Mr. Farmer.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—52

Adamson	Hartzog
Alexander	Hodges
Ash	Hoskins
Atchison	Howard
Bergman	Jackson
Butler of Brazos	Jones of Falls
Cagle	King
Calvert	Lange
Canon	Latham
Celaya	Luker
Collins	McCalla
Cooper	McFarland
Davison of Fisher	McKinney
Davisson	Moffett
of Eastland	Moore
Dunagan	Patterson
Duvall	Quinn
Dwyer	Roberts
England	Scarborough
Fox	Settle
Fuchs	Steward
Gibson	Stinson
Greathouse	Tennyson
Hankamer	Thornton
Hanna	Walker
Harris of Archer	Young
Harris of Dallas	

Nays—75

Adkins	Huddleston
Aikin	Hunt
Alsup	Hunter
Beck	James
Bradbury	Jones of Atascosa
Bradford	Jones of Shelby
Broyles	Jones of Wise
Burton	Keefe
Butler of Karnes	Knetsch
Clayton	Lanning
Cowley	Leath
Craddock	Leonard
Crossley	Lindsey
Dickison	Lotief
Dunlap of Hays	Lucas
Fain	Mauritz
Farmer	McConnell
Fisher	McKee
Ford	Morris
Frazer	Morrison
Glass	Newton
Gray	Padgett
Hardin	Palmer
Head	Payne
Herzik	Reader
Holland	Reed of Bowie

Reed of Dallas	Stovall
Roach of Angelina	Tarwater
Roach of Hunt	Tillery
Roane	Venable
Roark	Waggoner
Russell	Wells
Rutta	Westfall
Sessions	Wood of Harrison
Shofner	Wood of Montague
Smith	Worley
Spears	Youngblood
Stanfield	

Absent

Caldwell	Hyder
Colquitt	Jefferson
Colson	Lemens
Daniel	Nicholson
Dunlap of Kleberg	Olsen
Good	Petsch
Graves	Pope
Hill	Riddle
Hofheinz	Rogers

Absent—Excused

Bourne	Fitzwater
Davis	

Question recurring on the amendment by Mr. Farmer, it was adopted.

Mr. Reed of Dallas moved to reconsider the vote by which the amendment, by Mr. Farmer, was adopted.

Mr. Farmer moved to table the motion to reconsider the vote by which the amendment was adopted.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—70

Adkins	Fuchs
Aikin	Glass
Alsup	Good
Beck	Gray
Bradbury	Hardin
Bradford	Herzik
Broyles	Holland
Burton	Huddleston
Butler of Karnes	Hunt
Clayton	James
Cowley	Jones of Atascosa
Craddock	Jones of Shelby
Daniel	Jones of Wise
Davison of Fisher	King
Dickison	Knetsch
Dunlap of Hays	Lanning
Fain	Leonard
Farmer	Lindsey
Fisher	Lucas
Ford	McConnell
Frazer	McKee

Morrison	Spears
Newton	Stanfield
Padgett	Stovall
Palmer	Tarwater
Reed of Bowie	Tillery
Roach of Angelina	Venable
Roach of Hunt	Waggoner
Roane	Walker
Roark	Wells
Rogers	Westfall
Russell	Wood of Harrison
Rutta	Wood of Montague
Sessions	Worley
Shofner	Youngblood

Nays—51

Adamson	Howard
Alexander	Hunter
Ash	Jackson
Atchison	Lange
Bergman	Latham
Butler of Brazos	Leath
Cagle	Lotief
Calvert	Luker
Canon	McCalla
Celaya	McFarland
Cooper	McKinney
Davisson	Moffett
of Eastland	Moore
Dunagan	Morris
Duvall	Patterson
Dwyer	Quinn
Fox	Reed of Dallas
Gibson	Riddle
Greathouse	Roberts
Hankamer	Scarborough
Hanna	Settle
Harris of Archer	Steward
Harris of Dallas	Stinson
Hartzog	Tennyson
Hodges	Thornton
Hoskins	Young

Absent

Caldwell	Jefferson
Collins	Jones of Falls
Colquitt	Keefe
Colson	Lemens
Crossley	Mauritz
Dunlap of Kleberg	Nicholson
England	Olsen
Graves	Payne
Head	Petsch
Hill	Pope
Hofheinz	Reader
Hyder	Smith

Absent—Excused

Bourne	Fitzwater
Davis	

Mr. Butler of Brazos moved the previous question on the amendments on

the Speaker's desk and the passage of Senate Bill No. 15 to third reading, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—40

Atchison	Jackson
Bergman	Lange
Burton	Mauritz
Butler of Brazos	Moore
Cagle	Morris
Calvert	Newton
Clayton	Patterson
Collins	Reader
Cooper	Reed of Bowie
Davisson	Reed of Dallas
of Eastland	Rutta
Dunagan	Settle
England	Spears
Fisher	Steward
Frazer	Stinson
Gray	Thornton
Hanna	Waggoner
Harris of Dallas	Wells
Hartzog	Worley
Holland	Youngblood
Hunter	

Nays—90

Adamson	Hardin
Adkins	Harris of Archer
Aikin	Head
Alexander	Herzik
Alsup	Hodges
Ash	Hoskins
Beck	Howard
Bradbury	Huddleston
Bradford	Hunt
Broyles	James
Butler of Karnes	Jones of Atascosa
Canon	Jones of Falls
Celaya	Jones of Shelby
Cowley	Jones of Wise
Craddock	Keefe
Crossley	King
Daniel	Knetsch
Dickison	Lanning
Dunlap of Hays	Latham
Duvall	Leath
Dwyer	Leonard
Fain	Lindsey
Farmer	Lucas
Ford	Luker
Fox	McCalla
Fuchs	McConnell
Gibson	McFarland
Glass	McKee
Good	McKinney
Greathouse	Moffett
Hankamer	Morrison

Padgett	Sessions
Palmer	Shofner
Petsch	Smith
Pope	Stanfield
Quinn	Stovall
Riddle	Tarwater
Roach of Angelina	Tennyson
Roach of Hunt	Tillery
Roane	Venable
Roark	Walker
Roberts	Westfall
Rogers	Wood of Harrison
Russell	Wood of Montague
Scarborough	Young

Absent

Caldwell	Hyder
Colquitt	Jefferson
Colson	Lemens
Davison of Fisher	Lotief
Dunlap of Kleberg	Nicholson
Graves	Olsen
Hill	Payne
Hofheinz	

Absent—Excused

Bourne	Fitzwater
Davis	

Mr. Farmer offered the following amendment to the bill:

Amend Senate Bill No. 15 as follows:

On page 5, line 40, strike out "except notaries public."

The amendment was adopted.

Mr. Farmer offered the following amendment to the bill:

Amend Senate Bill No. 15 as follows:

Strike out "Subsection (c)" on page 3.

Mr. Thornton moved to table the amendment by Mr. Farmer.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—44

Burton	Fox
Cagle	Greathouse
Calvert	Hanna
Collins	Harris of Dallas
Cooper	Hartzog
Cowley	Hoskins
Davisson	Hunter
of Eastland	Jackson
Dunagan	Jones of Falls
Fisher	Jones of Wise
Ford	Keefe

Lange	Reed of Dallas
Leath	Roberts
Lotief	Settle
McCalla	Spears
McConnell	Steward
McFarland	Stinson
Moffett	Tennyson
Moore	Thornton
Morris	Walker
Morrison	Worley
Padgett	Young
Patterson	

Nays—71

Adamson	James
Adkins	Jones of Atascosa
Aikin	Knetsch
Alexander	Latham
Alsup	Lemens
Ash	Lindsey
Atchison	Lucas
Bergman	Luker
Bradbury	Mauritz
Broyles	McKee
Butler of Brazos	Newton
Butler of Karnes	Palmer
Canon	Petsch
Celaya	Quinn
Craddock	Reader
Crossley	Reed of Bowie
Davison of Fisher	Roach of Hunt
Dunlap of Hays	Roane
Dwyer	Roark
England	Rogers
Fain	Russell
Farmer	Rutta
Fuchs	Sessions
Gibson	Smith
Glass	Stanfield
Good	Stovall
Gray	Tarwater
Hankamer	Tillery
Hardin	Venable
Harris of Archer	Waggoner
Head	Wells
Herzik	Westfall
Hodges	Wood of Harrison
Holland	Wood of Montague
Huddleston	Youngblood
Hunt	

Absent

Beck	Hill
Bradford	Hofheinz
Caldwell	Howard
Clayton	Hyder
Colquitt	Jefferson
Colson	Jones of Shelby
Daniel	King
Dickison	Lanning
Dunlap of Kleberg	Leonard
Duvall	McKinney
Frazer	Nicholson
Graves	Olsen

Payne	Roach of Angelina
Pope	Scarborough
Riddle	Shofner

Absent—Excused

Bourne	Fitzwater
Davis	

Question recurring on the amendment by Mr. Farmer, it was adopted.

Mr. Farmer offered the following amendment to the bill:

Amend Senate Bill No. 15 as follows:

On page 6, in line 40, strike out "having a population" and on page 7 strike out line 1 and "Federal Census" in line 2; in line 5 strike out "In counties hav-" and all of lines 6 to 15 inclusive.

Mr. Thornton moved to table the amendment by Mr. Farmer.

The motion to table was lost.

Question recurring on the amendment by Mr. Farmer, it was adopted.

Question—Shall Senate Bill No. 15 pass to third reading?

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 26

On motion of Mr. Calvert, the following Conference Committee Report on House Bill No. 26 was ordered printed in the Journal:

Committee Room,

Austin, Texas, November 6, 1935.

Hon. Walter F. Woodul, President of the Senate.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your free Conference Committee, appointed to adjust the differences between the two Houses on House Bill No. 26, recommend that the bill be passed in form and text as submitted herewith.

H. B. No. 26.

A BILL

To Be Entitled

An Act creating a system of Old Age Assistance in Texas; placing restrictions on the granting of such assistance; fixing the date on which payments of assistance shall begin; creating the Texas Old Age Assistance Commission; prescribing their terms of office, qualifi-

cations and duties; fixing their salaries; providing for the appointment of an Executive Director to the Old Age Assistance Commission and a Chief Auditor; prescribing qualifications, duties and salaries of such Executive Director and Chief Auditor; providing for the establishment of Local Administrative Agencies in the various counties and districts of Texas, and for the selection and appointment of necessary personnel; providing for the filing of an application for assistance by applicants therefor; providing for certain information to be given in such application; providing for investigation of applications for assistance, orders thereon, appeals and hearings therein; providing the amount of assistance to be paid to applicants and the method of paying same; providing for discontinuance of grants of assistance; fixing penalties for violation of the provisions of this Act; creating an Old Age Assistance Fund and a Permanent Old Age Pension Fund in the State Treasury; appropriating certain moneys from the General Revenue Fund; appropriating from the Old Age Assistance Fund the sum of Twenty-five Million (\$25,000,000.00) Dollars, or so much thereof as may be necessary for the payment of assistance grants and expenses in connection with the administration of this Act; providing for reimbursement of the General Revenue Fund; providing for investment of the Permanent Old Age Pension Fund; providing for withdrawals from such Fund; providing for gifts and assignments of money, insurance benefits or other property for the benefit of the Old Age Assistance Fund; providing that grants of Old Age Assistance shall be inalienable and not subject to civil process; making provision for recovery, if on the death of a recipient, it is found he had property in excess of the amount allowed by this Act; providing for cooperation between the Texas Old Age Assistance Commission and the Federal Social Security Board; prescribing the administrative cost of this Act; repealing all laws in conflict; providing a saving clause; and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. Subject to the provisions of this Act every person over the age of sixty-five (65) years residing in the State of Texas, if in need, shall be entitled to aid in old age from the State.

Section 2. Aid may be granted under this Act to any person who:

(a). Has attained the age of sixty-five (65) years;

(b). Is a citizen of the United States;

(c). Has resided in the State of Texas for five (5) years or more within the last nine (9) years preceding the date of application for assistance, and has resided in the State of Texas continuously for one year immediately preceding the application. The term "residence" and "resided" as used in this Act shall denote actual physical presence within this State as distinguished from the word "domicile" and "residence" as used in their broader meaning;

(d). Is not at the time of receiving such aid an inmate of any public or private home for the aged, or any public home or any public or private institution of a custodial, correctional, or curative character; provided however, that aid may be granted to persons temporarily confined in a private institution for medical or surgical care;

(e). Has not made any voluntary assignment or transfer of property for the purpose of qualifying for such aid;

(f) Has an income, if a single person, from many and all sources not exceeding Three Hundred Sixty (\$360.00) Dollars per year, or if married, a combined income from money and all sources not exceeding Seven Hundred Twenty (\$720.00) Dollars per year;

(g). Does not own property real, personal, or mixed other than cash or marketable securities, the fair value of which taking into consideration assessed valuations for State and county tax purposes less all incumbrances and liens, exceeds, if single, Five Thousand (\$5,000.00) Dollars, or if married, does not own property real, personal, or mixed other than cash or marketable securities, the fair value of which taking into consideration assessed val-

uations for State and county tax purposes less all incumbrances and liens, exceeds Seven Thousand Five Hundred (\$7,500.00) Dollars;

(h). Does not have or own cash or marketable securities, the fair value of which exceeds Five Hundred (\$500.00) Dollars if single, or if married, does not have or own cash or marketable securities, the fair value of which exceeds One Thousand (\$1,000.00) Dollars;

(i). Is not an habitual criminal or an habitual drunkard;

(j). Who has no husband or wife, as the case may be, able to furnish him or her adequate support.

Section 3. (a) For the purpose of administering the provisions of this Act there is hereby created a State Department to be known as the Texas Old Age Assistance Commission, composed of three (3) members to be appointed by the Governor of the State of Texas with the advice and consent of the Senate, the term of one (1) member to expire February 1, 1938, the term of one (1) member to expire February 1, 1940, and the term of one (1) member to expire February 1, 1942. The Governor shall designate which appointee he desires to fill each term, and shall make such appointments as soon after the effective date of this Act as practicable. Vacancies shall be filled for any unexpired term by appointment by the Governor with the advice and consent of the Senate. On February 1, 1938, and biennially thereafter, one (1) member of said Commission shall be appointed for a full term of six (6) years, and each member of said Commission shall hold office until his successor has been appointed and has qualified by taking the oath of office and giving bond as hereinafter prescribed. The Texas Old Age Assistance Commission shall have its office and/or offices in Austin, Texas, in such building and/or buildings as shall be designated and/or approved by the State Board of Control.

(b). The members of the Texas Old Age Assistance Commission shall be public officers and, as such, shall take the oath of office required by the Constitution of Texas and each member shall give bond in form prescribed by the Attorney General in the sum of Ten Thousand (\$10,000.00) Dollars, payable to and to be approved by the Governor and condi-

tioned for the faithful performance of his duties. The premium on such bonds shall be paid out of the funds herein appropriated for operating expenses, and any recovery on such bonds shall inure to the benefit of the Texas Old Age Assistance Fund.

(c). At the first meeting of the members of said Commission after their appointment, and biennially thereafter, upon the appointment of a new member thereof, one (1) of the members thereof shall be elected chairman to preside over all meetings of such Commission, and two (2) members thereof shall constitute a quorum for the transaction of business except as herein otherwise provided. For a period ending January 1, 1937, said Commission may, if by it deemed necessary, remain in continuous session and shall hold its sessions and hearings in Austin, Texas, or in such other cities or towns in Texas as may be deemed by it desirable and expedient. After January 1, 1937, said Commission shall not remain in session for more than fifteen days in any one (1) month, nor for more than one hundred and twenty (120) days in any one (1) year. Notice of all meetings where applications for aid or assistance and/or appeals thereon are to be considered shall be furnished representatives of the press of this State by the Chairman or Secretary of such Commission; and if particular applications and/or appeals thereon are to be considered the Chairman of, or the Secretary to said Commission shall give written notice thereof to the applicant affected, at least ten (10) days in advance, stating in such notice the time and place of such consideration and hearing.

(d). For the period ending January 1, 1937, the members of the Texas Old Age Assistance Commission shall be compensated on a basis of Three Thousand Six Hundred (\$3,600.00) Dollars per year to be paid in equal monthly installments. After January 1, 1937, the members of said Commission shall be paid a per diem of Ten (\$10.00) Dollars for each day of service during a regular meeting of said Commission. The members of said Commission shall be entitled to all reasonable expenses necessarily incurred in the discharge of their official duties, such allowance, however, not to exceed the

maximum sum and/or sums fixed by law for other State officials.

(e). Except as hereinafter otherwise provided, the duties of the Texas Old Age Assistance Commission shall be limited to the following:

(1). The selection and appointment of an Executive Director and a Chief Auditor;

(2). The holding of hearings in all appeals by applicants for aid or assistance where such aid or assistance has been denied by the Local Administrative Agency to which application was made; provided that such hearings may be conducted by any one of the members of said Commission or by any employee of said Commission designated by said Commission to hold the same. When such hearings are conducted by less than a majority of the members of said Commission or by any employee of said Commission, a transcript of all testimony taken shall be prepared and filed with such Commission and any order therein must be signed by a majority of such Commission;

(3). The providing of such methods of administration (other than those relating to selection, tenure of office and compensation of personnel) as are found by the United States Social Security Board to be necessary for the efficient operation of the plan of Old Age Assistance herein established;

(4). The making of such reports in such form and containing such information as the Social Security Board may from time to time require, complying with such provisions as said Social Security Board may from time to time find necessary to assure the correctness and verification of such reports.

Section 4. (a) As soon after the qualification of the members of the Texas Old Age Assistance Commission as practicable, they shall select and appoint an Executive Director to the Texas Old Age Assistance Commission who shall be not less than thirty-five (35) years of age at the date of his appointment, who is a resident citizen of the State of Texas, and who has resided within the State for at least ten (10) years preceding the date of his appointment, and he shall not be an occupant of any elective State office at the time of his appointment nor have occupied any elective State office during the six (6) months next preceding

the date of his said appointment, and who shall be paid an annual salary of Five Thousand (\$5,000.00) Dollars in equal monthly installments. The Commission shall also appoint a Chief Auditor who shall be paid an annual salary of Four Thousand (\$4,000.00) Dollars in equal monthly installments. The Executive Director and the Chief Auditor shall take the constitutional oath of office and shall make and execute a bond in form prescribed by the Attorney General, payable to the Governor of Texas, in the sum of Thirty Thousand (\$30,000.00) Dollars conditioned upon their faithful performance of the duties imposed upon them by law. The premiums on such bonds shall be paid out of the funds herein appropriated for operating expenses, and any recovery on such bonds shall inure to the benefit of the Texas Old Age Assistance Fund.

(b). The Executive Director to the Texas Old Age Assistance Commission shall be the Chief Administrative Officer of such Commission and, as such, shall be responsible for the proper and economical administration of the affairs of such Commission. He shall have the power and authority, with the consent and approval of a majority of the members of the Commission, to select, appoint and discharge such assistants, clerks, stenographers, auditors, bookkeepers and clerical assistants as may be necessary in the administration of the duties imposed upon such Commission within the limits of the appropriations that may be made for the work of said Commission; salaries of all such employees to be fixed by the Executive Director in keeping with salaries paid other State employees performing like work and holding similar positions.

Section 5. The Texas Old Age Assistance Commission shall have full power and authority to provide such method of local administration in the various counties and districts of Texas as it deems advisable, and shall provide such personnel as may be found necessary for carrying out in an economical way the administration of this Act; provided, however, that all employees of any Local Administrative Agency, whether county or district, shall have been residents of that particular county or district where employed for a period of at least four (4) years next preceding their employment.

Section 6. The expenses of administering this Act shall never exceed five (5%) per cent of the total amount of State funds expended for Old Age Assistance; provided, however, that the Texas Old Age Assistance Commission is empowered to accept any funds appropriated and allocated to the State of Texas for administrative expense by the Federal Government or the Social Security Board, and same may be expended for administrative purposes in addition to that allowed for administrative purposes out of State funds expended.

Section 7. Any person over the age of sixty-five (65) years may present or mail an application in writing for an Old Age Assistance grant to the Local Administrative Agency designated by the Texas Old Age Assistance Commission to receive the same. Such application shall be upon forms prescribed by said Commission, shall be duly sworn to before some officer authorized by the laws of this State to administer oaths and using a seal, and in addition to such other information as may be required by the Texas Old Age Assistance Commission, such application shall contain the following information:

(a). The name, age, race and/or nationality and length of residence in Texas of the applicant; whether he is a citizen by birth or naturalization; whether married or unmarried, a widow or widower; the names of children, if any, giving their ages, occupation and place of residence.

(b). A statement of any property, real or personal, the applicant owns or has any interest in, giving the cost of same when purchased and whether incumbered or not, and if incumbered, giving the date the lien was created, and the amount outstanding and unpaid at the time of the filing of the application.

(c). It must contain a full and complete statement of all the earnings of the applicant for the two (2) years immediately preceding the application.

(d). If the applicant owned real estate within the preceding two (2) years, the petition must state when sold or otherwise disposed of, giving the date of the transfer. If the petitioner was interested in personal property over the value of One Thousand (\$1,000.00) Dollars during the two (2) years prior to the date of the application for an assist-

ance grant, a complete description of such property must be tendered together with an acknowledgement of what disposition was made of same, or if stocks and bonds, the company from whom purchased, and to whom sold, together with the date of the transfer and the price obtained.

(e). If receiving aid from any source, the amount received and from whom, or if such aid be not in cash money, then a description of such aid tendered, together with the name of the source of such aid and from whom; the amount received from the United States Government, State or county, public or private charitable organizations, corporations, or private individuals.

(f). Whether the applicant has been convicted of a crime, giving the number of convictions, if more than one, and giving the nature of the offense or offenses and the place or places of the conviction whether in this or any other state.

(g). The names of at least two (2) references unrelated to the applicant who are in position to confirm the truth of the information therein given.

Section 8. Upon the filing of such application for aid or assistance, it shall be the duty of the Local Administrative Agency in the county or district in which such application is made to investigate, or cause to be investigated in the manner required by the Texas Old Age Assistance Commission, such sworn statements appearing in such application to determine the truth or falsity of statements therein contained; said Agency having the power and authority to compel the attendance of witnesses, administer oaths, and to compel the production by subpoenas duces tecum of books and records, and the furnishing of such other affidavits and information as it may deem necessary and advisable. After an examination of the application and such investigation as to the truth or falsity of the statements contained therein as may be deemed necessary, the Local Agency shall enter an order upon such application either granting the same in whole or in part, or denying the same, and it shall forward a copy of such order to the applicant and a copy to the Texas Old Age Assistance Commission. Any applicant who is dissatisfied with the order made by the Local Ad-

ministrative Agency shall have the right of appeal to the Texas Old Age Assistance Commission by giving written notice of such dissatisfaction to said Commission. When the Texas Old Age Assistance Commission has been notified of the dissatisfaction of any applicant with an order made by a Local Agency, the said Commission shall command the Local Agency to transmit to the Commission the originals or certified copies of all records, affidavits, instruments, testimony taken, or other evidence taken in connection with such application. The Commission shall make a full and complete examination of the record before it and if, after such examination, the Commission is of the opinion that the aid or assistance should be allowed or increased, said Commission shall enter an order allowing or increasing the assistance or aid to the applicant and shall forward a copy of this order to the applicant and a copy thereof to the Local Administrative Agency. If after examining the records before it, the Commission is of the opinion that aid or assistance should not be awarded to the particular applicant or that the amount thereof as awarded by the Local Agency should not be increased, the Commission shall set the matter down for hearing and shall give written notice of the time and place of such hearing to the applicant, at which hearing the applicant shall have the right to appear in person and testify, or to present any other evidence or testimony written or otherwise, to sustain his application. As soon after such hearing as possible and practicable, the Commission shall enter a final order on such application, mailing a copy thereof to the applicant and a copy to the Local Administrative Agency from which said final order there shall be no right of appeal.

Section 9. (a). The amount of Old Age Assistance or aid from State funds that may be paid to any applicant, who has qualified under the terms of this Act, shall never exceed the sum of Fifteen (\$15.00) Dollars per month, and in addition thereto such funds as the Federal Government may appropriate and allocate to the State of Texas from time to time, shall be distributed among recipients of assistance in like manner as State funds are paid under the terms of this Act; provided that in no case

shall such aid or assistance be in an amount which, when added to the income of the applicant from all other sources, including income from property and from the State and Federal Governments, shall exceed a total of Thirty (\$30.00) Dollars per month; provided that the assistance granted herein shall be granted in such amounts as will provide a reasonable subsistence in keeping with the accustomed standard of living of the applicant.

(b). For the purpose of paying the aid and assistance to needy citizens of Texas as herein provided for, and for the purpose of defraying the expenses of administering this Act, there is hereby created and established a special fund in the Treasury of the State of Texas, to be kept by the State Treasurer separate and apart from all other funds, and to be known as the "Texas Old Age Assistance Fund," and for the purposes above set out there is hereby appropriated out of such fund the sum of Twenty-five Million (\$25,000,000.00) Dollars or so much thereof as may be necessary, for the biennium ending September 1, 1937. Provided that if the fund is insufficient to pay all grants in full, the same shall be paid pro rata based on the amount granted to each recipient.

(c). There is hereby appropriated to the Texas Old Age Assistance Commission out of the General Revenue Fund of the State of Texas the sum of One Hundred Thousand (\$100,000.00) Dollars or so much thereof as may be necessary for the purpose of setting up the administrative machinery, and for the purpose of receiving and classifying applications, and for the purchasing of such equipment, furniture, and supplies as may be necessary. For the purpose of paying the additional expenses placed upon the Comptroller of Public Accounts under the provisions of this Act, including the purchase of equipment and supplies, printing of warrants and stationery, office space, and any other expenses necessary in carrying out the provisions of this Act, there is hereby appropriated, out of any money in the State Treasury, not otherwise appropriated, the sum of Twenty Thousand (\$20,000.00) Dollars, or so much thereof as may be necessary for the first fiscal year of the present biennium, and there is hereby appropriated the sum of Fifteen Thousand (\$15,000.00)

Dollars, or so much thereof as may be necessary for the second fiscal year of the present biennium to the Comptroller of Public Accounts, provided that any salaries paid against this appropriation shall not exceed the salaries for similar positions now authorized under the General Appropriations Bill. For the purpose of paying the additional expenses placed upon the State Treasurer under the provisions of this Act, including the purchase of equipment and supplies, printing of stationery, and other expenses necessary in carrying out the provisions of this Act, there is hereby appropriated, out of any money in the State Treasury, not otherwise appropriated, the sum of Ten Thousand (\$10,000.00) Dollars, or so much thereof as may be necessary for each of the fiscal years of the present biennium, to the State Treasurer, provided that any salaries paid against this appropriation shall not exceed the salaries for similar positions now authorized under the General Appropriations Bill.

It is further expressly provided that all sums of money paid out of the General Fund of the Treasury of the State of Texas under the provisions of this Section shall be repaid to such General Fund out of the first moneys accruing to the benefit of the Texas Old Age Assistance Fund, and the Treasurer of the State of Texas is expressly directed to transfer an amount from such Texas Old Age Assistance Fund to the General Revenue Fund equal to the amount herein appropriated from such General Revenue Fund.

Section 10. (a). The Legislature shall provide from time to time out of its tax and revenue bills, or from other funds available for the purpose of allocation, or from part or all of certain taxes, fees or other revenue, or by other maintenance, necessary and adequate funds for carrying out the provisions of this Act, and in each instance the Legislature shall specify that such sums as designated shall be placed by the Treasurer of the State of Texas in two separate funds known as the "Texas Old Age Assistance Fund" and the "Permanent Old Age Pension Fund," and separate accounts shall be kept by said State Treasurer of all funds allocated to and paid out under the terms of this Act.

(b). Eighty-five (85) per cent of all revenue allocated for Old Age As-

sistance shall be deposited to the credit of the Texas Old Age Assistance Fund.

(c). Fifteen (15) per cent of all revenue allocated for Old Age Assistance shall be deposited to the credit of a permanent fund to be known as the Permanent Old Age Pension Fund.

(1). This Fund shall be under the administration of the Commission of Old Age Assistance. It shall be the duty of the Commission of Old Age Assistance to invest the Fund only in interest bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(2). No withdrawals may be made from this Fund, except for investments in United States Bonds, for a period of twenty-five (25) years unless expressly authorized by the Legislature of this State. The Commission of Old Age Assistance shall include in its annual reports the status of this Fund.

Section 11. (a). If at any time an Old Age Assistance recipient becomes disqualified under any of the provisions of Section 2 of this Act to receive such assistance, such facts shall be reported to the Commission of Old Age Assistance and such Commission shall be furnished with any information or evidence pertaining thereto, whereupon the Commission of Old Age Assistance shall notify the recipient thereof that a hearing will be held, at which time said recipient shall show cause why his aid should not be discontinued, and if, upon such hearing, it is established that such recipient has become disqualified under Section 2 of this Act, said Commission shall enter an order discontinuing aid to such recipient and shall give written notice thereof to the State Comptroller of Public Accounts.

(b). When any application for aid or assistance has been filed with the Local Administrative Agency on or before July 1, 1936, and is not approved until after such date, at the time that the applicant becomes entitled to the first monthly installment due under his Old Age Assistance grant he shall also be entitled to and shall receive a warrant or voucher for cumulative monthly installments equal to those due under his grant for the period from July 1, 1936, to the date the first install-

ment becomes due under such grant. Where an application is filed after July 1, 1936, at the time the applicant becomes entitled to the first monthly installment due under his Old Age Assistance grant, he shall also be entitled to and shall receive a warrant or voucher for monthly installments equal to those due under his grant for the period from the date of his application to the date the first installment becomes due under such grant.

(c). If, on the death of any recipient of the Old Age Assistance or aid, it is found that he was possessed of property or income in excess of the amount provided in Section 2 of this Act, the total amount of the assistance granted in excess of that to which the recipient was by law entitled may be recovered by the Commission of Old Age Assistance as a preferred claim, together with six (6) per cent interest thereon and all costs incurred from the estate of the deceased; the Commission shall institute the necessary proceedings to recover such claim and the amount recovered shall be paid into the Old Age Assistance Fund, one-half ($\frac{1}{2}$) of such amount shall be paid over to the United States Treasury in such manner as the Social Security Act may require.

(d). Any person who has been granted Old Age Assistance and is receiving payments of assistance from the Old Age Assistance Fund may petition the Commission to accept an assignment of assignable death benefits, loan value or cash surrender value of any life insurance policy, death or funeral benefit of any association, society, or organization requiring further payment of premiums, dues or assessments, which such person believes he is unable to pay. The Commission may accept such assignments if it deems such act advisable in the best interest of such person and the State; but upon the payment of such benefit or other sum due under the policy, the Commission shall first deduct the amount of funeral expenses incurred; and second, the amount of premiums, dues and assessments paid by the Commission to keep the insurance or benefit in force, and third, the amount of assistance paid to such person, one-half ($\frac{1}{2}$) of which shall accrue to the Old Age Assistance Fund, and one-half ($\frac{1}{2}$) of which shall be paid to the

United States Treasury in such manner as the Social Security Act may require. After the above deductions, the balance, if any, shall be paid by the Commission as directed by the insured, either to persons designated or into the Old Age Assistance Fund as may be the wish of the insured at the time of the assignment.

(e). The provisions of this Act providing for Old Age Assistance shall not be construed as a vested right in the recipient of Old Age Assistance.

(f). An Old Age Assistance grant shall be absolutely inalienable by any assignment, sale, charge, or execution or other legal process, and in case of bankruptcy the assistance shall not pass through any trustee or other person acting on behalf of creditors.

(g). The Commission is authorized to accept on behalf of the Old Age Assistance Fund any gifts, deeds or bequests of any money or other property, the proceeds of which shall accrue to the benefit of the Old Age Assistance Fund. In making such gifts or contributions the donor shall attach no conditions whatever. The sole management and disposition of the property so received shall be in the Commission.

Section 12. All Old Age Assistance benefits provided for under the terms of this Act shall be paid by vouchers or warrants drawn by the State Comptroller on the Texas Old Age Assistance Fund; for the purpose of permitting the State Comptroller to properly draw and issue such vouchers or warrants, the Texas Old Age Assistance Commission shall furnish the Comptroller with a list or roll of those entitled to assistance from time to time, together with the amount to which each recipient is entitled. When such vouchers or warrants have been drawn by the State Comptroller, the same shall be delivered to the Executive Director of the Texas Old Age Assistance Commission, who in turn shall supervise the delivery of the same to the persons entitled thereto.

Section 13. (a). All grants of assistance or aid from the Federal Government and its agencies shall not be considered as a part of the State Assistance herein granted, but shall be regarded as a separate grant of assistance or aid.

(b). Every assistance granted under the provisions of this Act shall be deemed to be granted and shall be held subject to the provisions of any amending or repealing Act that may be hereafter enacted, and no recipient under this Act shall have any claim for compensation or otherwise by reason of his assistance being affected in any way by such amending or repealing Act.

(c). Except as herein otherwise provided assistance benefits shall be and become due and payable to all persons qualified to receive the same not later than July 1, 1936.

Section 14. Whenever in this Act the masculine pronoun is used, it shall be held to include the feminine pronoun also.

Section 15. Any person or persons charged with the duty or responsibility of administering, disbursing, ordering or otherwise handling the grants and funds provided for in this Act, and who shall misappropriate any such grants and funds, or who shall by deception or fraud to any other person wrongfully distribute the grants and funds provided for in this Act, shall be deemed guilty of felony and shall, upon conviction, be confined in the State penitentiary for a term of not less than two (2) nor more than twenty (20) years.

Section 16. Any person who by means of a wilfully false statement or representation, or other fraudulent device, obtains or attempts to obtain, or aids or abets any other person to obtain:

(a). Old Age Assistance to which he is not justly entitled;

(b). A larger amount of assistance than that to which he is justly entitled;

(c.) Or aids or abets in the buying or in any way disposing of the property of an Old Age Assistance recipient for the purpose of defrauding the State of Texas, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding Five Hundred (\$500.00), Dollars, or by imprisonment in the county jail for a period not exceeding one (1) year, or by both such fine and imprisonment, and shall be barred for three (3) years from receiving benefits under this Act.

Section 17. If any recipient under this Act is convicted of any crime, misdemeanor or felony, or other of-

fense, punishable by imprisonment for a period of six (6) months or longer, such fact shall be reported to the Commission of Old Age Assistance and the said Commission may direct that payments to such recipient be defaulted and withheld for such period.

Section 18. It shall be unlawful for any attorney at law or attorney in fact, or any other person, firm or corporation whatsoever, representing any applicant for Old Age Assistance or aid in this State to charge a fee for his services in excess of Ten (\$10.00) Dollars in aiding or representing any such applicant before the Commission of Old Age Assistance or for any other services in aiding such applicant to secure an Old Age Assistance grant. It shall likewise be unlawful for any person, firm or corporation to advertise, hold himself out or solicit the procurement of Old Age Assistance or aid. Any person violating this Section of this Act shall be punished by a fine not to exceed Five Hundred (\$500.00) Dollars or by confinement in the county jail for a period of not to exceed thirty (30) days, or by both such fine and imprisonment. Where any firm, association, or corporation is found to be guilty of a violation of the provisions of this Section, the offending act of such firm, association, or corporation shall be deemed to be the act of the president, general manager, or other managing official of such firm, association, or corporation, and such official shall be subject to the same penalties as herein provided for other persons.

Section 19. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict only.

Section 20. If any section, subsection, paragraph, clause or sentence in this Act is declared to be unconstitutional the same shall not affect the remaining portions of this Act.

Section 21. The fact that there are now in Texas thousands of citizens who are sixty-five (65) years of age and over, who are in need of aid and assistance due to circumstances over which they have no control creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three (3) several days in each House, and the Rule is hereby suspended, and

this Act shall take effect and be in force from and after its passage, and it is so enacted.

Respectfully submitted,

DAVIS,
REGAN,
SHIVERS,

On the part of the Senate;

JONES of Atascosa,
GRAY,
MORRISON,
CALVERT,

On the part of the House.

EXTENDING SYMPATHY OF THE HOUSE TO HON. J. C. DAVIS

Mr. Reader offered the following resolution:

Whereas, Our distinguished member, Dr. J. C. Davis, is confined in the Seton Infirmary, Austin, Texas; and

Whereas, The House of Representatives has learned with deep regret of the illness of our esteemed friend and doctor; and

Whereas, This valuable member is serving his State with distinction as a member of the Legislature and as a doctor to the suffering fathers, mothers and children of his State; and

Whereas, The House of Representatives is advised today by the hospital authorities that Dr. Davis is rapidly regaining his health, but as they were unable to advise whether or not his illness was caused by the shock of losing his first father at the birth of a child; therefore, be it

Resolved by the House of Representatives of the Forty-fourth Legislature, That the sympathy of the entire membership be sent to him and wish for him a speedy recovery; be it further

Resolved, That a copy of this resolution be sent to the Honorable Dr. J. C. Davis and that a copy be spread upon the House Journal and appropriate flowers to be sent to Dr. Davis.

READER,
McFARLAND,
NEWTON,
McKINNEY,
JONES of Shelby,
STOVALL,
FUCHS,
MOFFETT,
TENNYSON,
MAURITZ,
JONES of Atascosa,
KING.

Signed—Stevenson, Speaker; Adamson, Adkins, Aikin, Alexander, Alsup, Ash, Atchison, Beck, Bergman, Bourne, Bradbury, Bradford, Broyles, Burton, Butler of Brazos, Butler of Karnes, Cagle, Caldwell, Calvert, Canon, Celaya, Clayton, Collins, Colquitt, Colson, Cooper, Cowley, Craddock, Crossley, Daniel, Davison of Fisher, Davison of Eastland, Dickison, Dunagan, Dunlap of Kleberg, Dunlap of Hays, Duvall, Dwyer, England, Fain, Farmer, Fisher, Fitzwater, Ford, Fox, Frazer, Gibson, Glass, Good, Graves, Gray, Greathouse, Hankamer, Hanna, Hardin, Harris of Archer, Harris of Dallas, Hartzog, Head, Herzik, Hill, Hodges, Hofheinz, Holland, Hoskins, Howard, Huddleston, Hunt, Hunter, Hyder, Jackson, James, Jefferson, Jones of Wise, Jones of Falls, Keefe, Knetsch, Lange, Lanning, Latham, Leath, Lemens, Leonard, Lindsey, Lotief, Lucas, Luker, McCalla, McConnell, McKee, Moore, Morris, Morrison, Morse, Nicholson, Olsen, Padgett, Palmer, Patterson, Payne, Petsch, Pope, Quinn, Reed of Bowie, Reed of Dallas, Riddle, Roach of Angelina, Roach of Hunt, Roane, Roark, Roberts, Rogers, Russell, Rutta, Scarborough, Sessions, Settle, Shofner, Smith, Spears, Stanfield, Steward, Stinson, Tarwater, Thornton, Tillery, Venable, Waggoner, Walker, Wells, Westfall, Wood of Montague, Wood of Harrison, Worley, Young and Youngblood.

The resolution was read second time.

On the motion of Mr. England, the names of all the members of the House were added to the resolution, as signers thereof.

The resolution was unanimously adopted.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Mauritz and Mr. Butler of Brazos:

H. B. No. 100, A bill to be entitled "An Act providing that the Board of Insurance Commissioners shall require any corporation, person, firm, association, local mutual aid association, or any local organization, company or organization to have a permit or cer-

tificate of authority in order to carry on any insurance business; providing that the Commissioner of Insurance shall make known to the Attorney General of the State of Texas any violation of this Act, etc., and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Hill, Mr. Payne, Mr. Collins, Mr. Pope and Mr. Bradford:

H. B. No. 101, A bill to be entitled, "An Act to amend Section 1 of Chapter 117, being House Bill No. 847, passed by the Forty-second Legislature of the State of Texas as appears from pages 229 of the Special Laws of said Forty-second Legislature, so as to make the provisions for repurchase applicable and effective as herein provided; and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

By Mr. Pope, Mr. Scarborough, Mr. Jones of Shelby, Mr. Greathouse, Mr. Glass, Mr. Canon, Mr. Payne, Mr. Hoskins, Mr. Bradford, Mr. Worley, Mr. Venable, Mr. Dunlap of Hays, Mr. Frazer, Mr. Roach of Angelina, Mr. Farmer, Mr. Alsup, Mr. Hunt, Mr. McConnell, Mr. Russell, Mr. Palmer, Mr. Leath, Mr. Westfall, Mr. Patterson, Mr. Davis, Mr. James, Mr. Padgett, Mr. Luker, Mr. Howard, Mr. King, Mr. Leonard, Mr. Young, Mr. Spears, Mr. Jones of Falls, Mr. Adkins, Mr. Ash, Mr. Hardin, Mr. Davisson of Eastland, Mr. Celaya, Mr. Stanfield, Mr. England, Mr. Holland, Mr. Settle, Mr. Lange, Mr. Reed of Bowie, Mr. Smith, Mr. Knetsch, Mr. McKee, Mr. Lemens, Mr. Dwyer, Mr. Lanning, Mr. Newton, Mr. Quinn and Mr. Lotief:

H. B. No. 102, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before August 1, 1925, due the State, any county, city, school district, road district, levee improvement district, water improvement district and water control and improvement district, irrigation district and other defined subdivisions of the State, provided same are paid before March 15, 1936; etc., and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

Mr. Jones of Atascosa and Mr. Harris of Dallas raised a point of order on further consideration of House Bill No. 102, on the ground that the subject matter contained in the bill has not been submitted by the Governor.

The Chair sustained the point of order.

RECESS

On motion of Mr. Dwyer, the House at 5:00 o'clock p. m., took recess to 9:30 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolutions as follows:

Appropriations: Senate Bill No. 8.

Judiciary: Senate Bill No. 21.

State Affairs: House Concurrent Resolutions Nos. 11 and 15; Senate Concurrent Resolution No. 4.

The Committee on Appropriations filed an adverse report with a minority favorable report on House Bill No. 76.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, November 5, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 77, A bill to be entitled "An Act defining the term 'open saloon'; creating a Board of Liquor Control; prescribing rules and regulations, the right of local option; prescribing permits; etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, November 5, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 98, A bill to be entitled "An Act creating a special road law for Robertson County, Texas, pro-

viding that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of August 12, 1935, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the commissioners court of said county, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, November 6, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 16, Inviting the Governors and citizens of New Mexico, Arizona, California, Nevada, Utah, Wyoming, Colorado, Kansas and Oklahoma to participate in the Texas 1936 Centennial celebration and erect buildings at Centennial centers and place exhibits therein.

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, November 6, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 71, "An Act authorizing school trustees in all counties of the State having a population of not less than two hundred and ninety thousand (290,000) nor more than three hundred and twenty thousand (320,000) inhabitants according to the last preceding Federal Census to issue interest bearing warrants in payment of salaries of employees; specifying that the rate of interest shall not ex-

ceed four per cent (4%) per annum; limiting the amount of warrants to be issued; providing for official notice of the issuance of such warrants and for official notice when these warrants can be cashed; providing for method of computing amount of warrants, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

NINTH DAY

(Continued)

(Thursday, November 7, 1935)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Stevenson.

(Mr. Morse in the Chair.)

SPECIAL ORDER SET

Mr. Stovall moved that House Bill No. 92, be set as a special order for 2:00 o'clock p. m., Friday, November 8.

Question recurring on the motion by Mr. Stovall, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—86

Adamson	Fox
Adkins	Fuchs
Aikin	Glass
Alsup	Graves
Atchison	Gray
Bradbury	Hardin
Bradford	Harris of Archer
Broyles	Head
Burton	Herzik
Butler of Karnes	Hodges
Cagle	Hofheinz
Calvert	Holland
Canon	Hoskins
Celaya	Huddleston
Cooper	Hunt
Cowley	James
Craddock	Jones of Falls
Crossley	Jones of Shelby
Davison of Fisher	Jones of Wise
Davisson	King
of Eastland	Lanning
Dunlap of Hays	Leath
England	Lindsey
Fain	Lucas
Farmer	Luker
Fisher	McConnell